

329.84

P81P



LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

329.84

P81p

Return this book on or before the
Latest Date stamped below. A
charge is made on all overdue
books.

University of Illinois Library

JUN - 1 1949

NOV 19 1966

OCT 23 1970

JUL 12 1949

MAR 30 1952

4-26-57

~~MAY 10 1957~~

MAY 20 1964

MAY - 9 1964

5/1/64

APR 17 1966



POPULIST HAND-BOOK
FOR KANSAS.

A COMPILATION FROM OFFICIAL SOURCES
OF SOME FACTS FOR USE IN SUC-
CEEDING POLITICAL
CAMPAIGNS.

WITH NOTES.

VINCENT BROS. PUBLISHING COMPANY,
PUBLISHERS,
INDIANAPOLIS, IND.

1891.

Entered according to Act of Congress in the year 1891,

By C. VINCENT,

In the office of the Librarian of Congress at Washington, D. C.

329.84
P81
LIBRARY
UNIVERSITY OF CALIFORNIA
LIBRARY

PREFACE.

THE immediate cause which led to the political upheaval in Kansas in 1890 appeared to be the successful rebellion of independent Republicans, assisted by the Union Labor party and Democrats, in Cowley county in 1889, against the intolerable dictation of W. P. Hackney, E. P. Greer, *et al.*, the county "political bosses." The real cause, however, lies deeper than this surface indication would suggest.

The various reform or third parties that have agitated political affairs during the period since 1874 have all been parties having "ideas" to present, but it seems that they all failed in so presenting their principles as to secure general acceptance. During these years a constant agitation has been kept up that has resulted in a better *education* concerning political methods and governmental systems than even the friends of reform were aware of.

In the campaign of 1888, the Union Labor party was more than usually aggressive, and Chapter II of this volume will show to what desperate straits the Republican managers were reduced in order to retain control of the State government.

The whole State and nation were so shocked by the "Coffeyville Dynamite Outrage" as to awaken in the most conservative of men a feeling of anxiety for the future, and a dread of what unchecked political greed and despotism might produce.

Thus rudely shaken with vague fears, the public mind was in excellent condition to seek political information. Just prior to this time there came to Cowley county an organizer of the Farmers' Alliance. He did not meet with flattering success until after the close of the exciting campaign of 1888. In the following winter months, the protest against existing conditions, political and social, took shape in the rapid organization of the Farmers' Alliance, purely as a means of education.

A *thoroughly*-informed people cannot be enslaved, nor kept in slavery long after they become educated concerning the means used to bind them.

The education furnished in Alliance halls stimulated the latent energies of the rural classes, general reading became more universal, all available sources of information were utilized, and gradually the masses realized that cunning greed had kept country and city arrayed against each other, though many of their interests are common. This division rendered them an easy prey to the political despot and party "boss." Once realizing the real condition, they laid aside old political affiliations, as one would lay aside an old coat, (and with as few regrets,) donned the new role of managing *their own* political affairs, AND THEY PROPOSE TO CONTINUE IN THE BUSINESS.

This volume is intended to present some assistance to this desirable end, and though entirely different from any book ever before published, the changed determination of the people has created the demand it is intended to fill—it being a condensed compendium, not so much of political statistical information as it is of the means of defensive and offensive political warfare. This is rendered necessary on account of the unscrupulous methods used by the Republican campaign managers, as instanced in the "Hutchinson forged resolutions," the so-called "Cloud county resolutions," the persistent misrepresentation and vilification of leading patriots by the entire Republican press, not to mention the villainous conspiracy of 1888, the farcical impeachment trial of Judge Botkin, and its culmination in the assassination of Col. S. N. Wood.

If it shall assist "The People" in the defense of their homes, the work intended for this volume will be accomplished.

VINCENT BROS.

1119858

Revised 17 Oct 41 - Linder

TABLE OF CONTENTS.

	PAGE.
I.—PARTY PLATFORMS.....	5
<p>Partial list of bills passed by the People's House, and killed in the Senate.—Protest of M. W. Cobun.—People's Manifesto.—Mr. Rogers's reply to Senator Buchan.—House bill No. 743, with comparative tables, as follows:</p> <p>Kansas distance schedule of reasonable maximum rates.</p> <p>Table I.—Mileage, taken from Railroad Commissioners' Report for Kansas, 1890.</p> <p>Table I-A.—Mileage, taken from Railroad Commissioners' Report for Iowa, 1889.</p> <p>Table II.—Freight earnings—Kansas Railroad Commissioners' Rep., June 30, 1890.</p> <p>Table II-A.—Freight earnings—Iowa Railroad Commissioners' Rep., June 30, 1889.</p> <p>Table III.—Freight earnings per ton mile and per train mile.</p> <p>Table III-A.—Same for Iowa, Report of June 30, 1889.</p> <p>Table IV.—Shows number of employes, wages paid, cost for maintenance, etc.</p> <p>Table IV-A.—Same for Iowa, Report of June 30, 1889.</p> <p>Table V.—Gross earnings—Kansas Report, June 30, 1890.</p> <p>Table V-A.—Gross earnings—Iowa Report, June 30, 1889.</p> <p>Table VI.—Operating expenses—Kansas Report, June 30, 1890.</p> <p>Table VI-A.—Operating expenses—Iowa Report, June 30, 1889.</p> <p>Table VII.—Railroad Commissioners' reasonable tariff schedule and distances.</p> <p>Table VIII.—Existing railroad tariff rates and distances.</p> <p>Table IX.—Reasonable maximum freight rates—House bill No. 743.</p> <p>Summary of Tables VII, VIII, and IX.—Condensed summary, by counties.—Comparison of rates paid in Iowa, Illinois, and Kansas.—State printing.</p>	
II.—THE DYNAMITE CONSPIRACY.....	92
<p>Introduction.—Senator Kimball's forgery.—His larceny of a Senatorial seat.—The four theories.—Report of whole committee.—Report of Republican Members.—Diagram of Henrie's home.—Report of Populist members.—Lee Jones's evidence.—Greer's cross-examination.—Democratic report.—Carroll and Mohler careless and indifferent.—Judge H. G. Webb's review.—Appendix—Henrie's connection with the Labor Bureau; they "had to" take him, and they "have to" keep him.</p>	
III.—THE BOTKIN INVESTIGATION AND IMPEACHMENT TRIAL.....	187
<p>Organization of the court.—Political statistics.—Relative strength of parties, by senatorial districts.—Thirty-second Judicial District.—Why organized.—Impeachment <i>not</i> a Populist movement.—Originated and pushed by Republicans.—Five petitions, with names of petitioners.—Resolution providing for investigation.—Officious interference by members of the Senate.—Report of committee.—Botkin tries to bankrupt the State for fees to his witnesses.—A lawyer fee <i>to be</i> presented.—Quorum.—Demurrer in which Botkin admits the truth of all the charges against him.—Botkin's own witnesses testify to his drunkenness.—Twenty-three Senators eat their own words "for the good of the party."—Horrible drunkenness and shocking blasphemy.—Illegal arrest of American citizens.—Botkin perjures himself to get men in his power.—Robbery of Springfield.—A receiver appointed to bring the money nearer the court.—Hackney a partner in the theft.—Final votes.—Short review of counsels' argument.—Douglass's arraignment of Botkin.—Hackney's abuse.</p>	
IV.—POLITICAL METHODS.....	257
<p>Hutchinson forged resolutions.—Affidavits.—Letters.—Soldiers' statement.—Cloud county resolutions.—Attempt to intimidate Chairman Campbell.—Booth's record.—Age-of-consent bill, and vote.</p>	
V.—MORTGAGED INDEBTEDNESS.....	265
<p>Of Miami, Lyon, Marshall, Sedgwick, Harper, Marion and Pratt counties.—Interest drain.—The Sub-Treasury system: The plan; its constitutionality.—Extracts from "Report of United States Pacific Railway Commission: " Astounding thievery; perjured officials; watered stock; Huntington letters.—Populist newspapers in Kansas.—State official directory.</p>	

CHAPTER I.

THE LEGISLATURE OF 1891.

In the campaign of 1890 there were five political parties in the field, and four tickets were voted upon at the fall election, viz.: (1) Republican, (2) People's, (3) Democratic-Republican-Resubmission (fusion), and the (4) Prohibition tickets. Inasmuch as the real contest was between the Republican and People's parties, we will omit much that might be interesting matter touching the latter two tickets and their supporters, and confine ourselves to the actors in the real contest. This will necessarily be somewhat abridged, but it is hoped that the important points will be presented with clearness and precision. Accordingly we here print, in condensed form, the platforms presented by the parties in question.

The People's Party, last fall, in their platform, said:

"First. We demand the abolition of national banks, and the substitution of legal-tender treasury notes, in lieu of national-bank notes, issued in sufficient volume to do the business of the country on a cash system, regulating the amount needed on a *per capita* basis, as the business of the country expands; and that all money issued by the Government shall be a legal tender in payment of all debts, both public and private.

"Second. We demand the free and unlimited coinage of silver.

"Third. We demand that Congress shall pass such laws as shall effectually prevent the dealing in futures, in all agricultural and mechanical productions.

"Fourth. We demand the passage of laws prohibiting alien ownership of land.

"Fifth. We demand that taxation, national or State, shall not be used to build up one interest or class at the expense of another. We demand that all revenues, national, State, and county, shall be limited to the necessary expenses of the government, economically and honestly administered.

"Sixth. We demand that the means of communication and transportation shall be owned by and operated in the interests of the people, as in the United States postal system.

"Seventh. We demand such legislation as shall effectually prevent the extortion of usurious interest by any form or evasion of statutory provisions.

"Eighth. We demand such legislation as will provide for a reasonable stay of execution, in all cases, of foreclosures of mortgages on real estate, and a reasonable extension of time before the confirmation of sheriffs' sales.

"Ninth. We demand such legislation as will effectually prevent the organization of trusts and combines for the purpose of speculation in any of the products of labor or the necessities of life, or the transportation of the same.

"Tenth. We demand the adjustment of salaries of public officials to correspond with existing financial conditions, the wages paid to other forms of labor, and the prevailing prices of the products of labor.

"Eleventh. We demand the adoption of the Australian system of voting.

"Twelfth. Labor is the beginning of progress, the formation of the world, and the laborer is entitled to a good living and a fair share of the profits which result from his labor. The use of labor-saving machinery should shorten the hours of toil, and inure to the benefit of the employed equally with the employer."

The Republican platform said, concerning living issues:

"We favor such other legislation as may be necessary to insure an increase of the volume of currency, adequate to the growing demand of our trade, the volume of such currency to be regulated by the necessities of business. We are in favor of uniformity in text-books in all the schools of the State, and demand such legislation as shall procure, by contract or otherwise, the best standard books at the least possible cost. We are in favor of electing railroad commissioners by a vote of the people, and we demand of the next Legislature that they confer upon the Board of Railroad Commissioners ample power to regulate freight and passenger rates. We are opposed to the system of free passes on railroads now in vogue in this State, by reason of which every railroad company is expected, as a matter of courtesy, to compliment all State officers, members of the Legislature, judges and other public officers with free transportation over their respective lines, and we favor the suppression of this practice by proper legislation. We are in favor of legislation prohibiting the employment of children under the age of fourteen years in mines, factories, work-shops, or mercantile establishments.

"The next Legislature should so amend the laws relating to foreclosure and sale of real estate, under mortgage contract, as shall secure to the mortgagor the privilege of redeeming such real estate at any time within twelve months from date of such foreclosure sale, by the payment of the judgment and of legal interest from date of sale to date of redemption."

Having above the platforms upon which both parties appeared before the people, we will now call attention to the following statement of bills passed by the People's Representatives in good faith, endeavoring to promote the welfare of Kansas. The defeat of these measures by the Republican Senate proves the insincerity and hypocrisy of that party when it presented its resolutions in convention. It proves that the platform of the Republican party is made for the same purpose as the platform of a passenger car—to go in on, and when once inside, a notice stares you in the face, "No one allowed to stand on the platform."

The following bills are selected as passed in good faith by the Populists: [Not all these bills were introduced by Populists, and these are only a few, but enough to prove the sincerity of the People's Party.]

By Mr. Douglass: House bill No. 1, An act prescribing penalty for the acceptance of bribes. Passed March 6; see House Jour. p. 942-3. Reported to the Senate same afternoon; see Senate Jour. p. 705; never acted upon.

Also, House bill No. 2, An act to prohibit the corrupt use of money, and corrupt practices at elections. Passed February 17; House Jour. p. 480; Heber (Rep.) voting no. Reported to Senate same day; Senate Jour. p. 357; favorably reported by Committee on Elections, p. 457, but never called up for action.

By Brown of Harvey: House bill No. 17, An act prohibiting railroad com-

panies from employing or using private armed detective force during railroad strikes or other disputes arising between such railroad companies and their employes, and providing a penalty for the violation thereof. Passed February 8; House Jour. p. 268; Pierson of Allen and Seaton (Reps.) voting no. Messaged to Senate following day; Senate Jour. p. 223; favorably reported by Committee on Judiciary, p. 486, but never called up.

By Mr. Showalter: House bill No. 21, An act relating to the redemption of lands sold for taxes, and to amend the tax laws of 1876, and chapter 43 of the Laws of 1879. Passed February 25; House Jour. p. 657. Messaged to Senate same day; Senate Jour. p. 485; Senator Harkness, from Committee on Assessment and Taxation, reported in favor of indefinite postponement; p. 555.

By Mr. Howard: House bill No. 61, An act to protect counties, cities and townships against the illegal or fraudulent acts of their officers. Passed February 13; House Jour. p. 439. Messaged to Senate following day; Senate Jour. p. 334; read twice, and allowed to die.

Also, House bill No. 62, An act relating to chattel mortgages and liens on personal property, and amendatory of chapter 68 of the General Statutes. Passed February 3; House Jour. p. 268. Messaged to the Senate following day; Senate Jour. p. 223; killed by committee; Senate Jour. p. 621.

By Mr. Doolittle; House bill No. 69, An act amendatory to the code of civil procedure, in relation to the sale of real estate. Passed February 12; House Jour. p. 409. Messaged to Senate Feb. 14; Senate Jour. p. 334; read twice, and allowed to die.

By Mr. Vandeventer: House bill No. 103, An act to prohibit subscription of stock or voting of bonds for the construction of railroads. Passed March 5; House Jour. p. 915. Messaged to Senate March 6; Senate Jour. p. 696; never called up.

HOW THE MINERS WERE SNUBBED. By Mr. Reed: House bill No. 120, An act to regulate the weight of coal at the mines. Passed February 3; House Jour. p. 266. Messaged to Senate following day; Senate Jour. p. 223.

By reference to House Journal, page 982, it will appear that House bill No. 120 passed the Senate and was reported back to the House, but a careful examination of the Senate Journal does not reveal any action by that body. If the Senate passed the bill, the records of that body fail to show it, and if it did not pass, how does Senate Clerk Stacey account for its being included in the list of bills messaged by him to the House as being passed?

By Mr. Maddox: House bill No. 125, An act to amend chapter 131, Session Laws of 1885, of an act entitled, "An act providing for the organization and control of mutual life insurance associations in this State," approved March 7, 1885, and to repeal said sections. Passed February 26; House Jour. p. 707;

read twice, and recommended for passage; Senate Jour. p. 573; but allowed to die.

AUSTRALIAN BALLOT SYSTEM KILLED. By Mr. G. E. Smith: House bill No. 126, An act to provide for printing and distributing ballots at public expense, and to regulate voting at State and city elections. Passed, unanimously, February 19; House Jour. p. 544. Messaged to Senate February 23; Senate Jour. p. 430; read twice, and referred to Committee on Elections, which reported it favorably, but it was allowed to die, not being called up for action; Senate Jour. p. 633.

By Mr. Elder: House bill No. 132, An act to secure uniformity of listing taxation of bonds, mortgages, notes, and other securities for indebtedness. Passed February 9; House Jour. p. 353; 76 for and 19 against the bill. Senate Committee on Judiciary recommended indefinite postponement, because of certain alleged imperfections, yet made no effort to correct those imperfections, or pass any bill to meet the demands of the people on this subject; Senate Jour. p. 508.

Also, House bill No. 133, An act to amend section 80 of chapter 93 of the Session Laws of 1871, being an act entitled "An act to establish an insurance department in the State of Kansas, and to regulate the companies doing business therein." Passed February 23; House Jour. p. 604. Messaged to Senate the following day; Senate Jour. p. 456; read twice, and referred to Committee on Insurance, where it died in a pigeon-hole; Senate Jour. p. 498.

Also, House bill No. 134, An act relating to the rate of interest to be charged for the use of money, prohibiting usury, and providing penalties for the violation thereof, and for repealing chapter 164 of the Laws of 1889, approved March 1, 1889. Passed February 18; House Jour. p. 522. Messaged to Senate the following day; Senate Jour. p. 401; read twice, and referred to Committee on Judiciary, and treated in same manner as House bill 132 above; Senate Jour. p. 531.

Also, House bill No. 139, An act to provide for an inspector of hogs and cattle offered for sale in the stock yards located within the county of Wyandotte, defining his duties and term of office, and removing all restriction in the trade of dead hogs and cattle therein. Passed March 4; House Jour. p. 873. Messaged to the Senate the following day; Senate Jour. p. 652; referred to Committee on Agriculture (Roe, chairman), which reported a recommendation to refer to committee of the whole; Senate Jour. p. 802; here it died.

By Mr. Smith of Neosho: House bill No. 145, An act limiting the powers of counties, townships and cities to borrow money to create indebtedness. Passed March 3, 85 to 0; House Jour. p. 816. Messaged to Senate same day;

Senate Jour. p. 623; referred to Committee on Assessment and Taxation (Harkness, chairman), which reported a recommendation to refer to committee of the whole; Senate Jour. p. 805; here it died.

By Mr. Maddox: House bill No. 212, An act to prohibit the waiver of the appraisement and stay laws, and laws of procedure, in suits for the collection of debts, and to repeal chapter 66 of the Session Laws of 1872. Passed February 27, 74 to 0; House Jour. p. 753. Messaged to Senate March 3; Senate Jour. p. 594; referred to Judiciary Committee (Gillett, chairman), and by that committee favorably recommended for passage March 6, (Senate Jour. p. 713,) but allowed to die without being called up for a vote.

By Mr. Brown of Wilson: House bill No. 225, An act to protect hotel and boarding-house keepers. Passed February 13, 76 to 26; House Jour. p. 437. Messaged to the Senate the following day; Senate Jour. p. 335; referred to Judiciary Committee (Gillett, chairman), and by them reported with recommendation to refer to committee of the whole; Senate Jour. p. 773; here it died.

By Mr. Howard: House bill No. 264, An act requiring all public, private and municipal corporations existing under the laws of this State to pay their employés their salaries and wages weekly in lawful money, and providing penalties for the violation of the provisions of this act. Passed March 7, 85 to 4; House Jour. p. 979. Messaged to the Senate same day; Senate Jour. p. 735; never heard from again.

By Mr. Soupene: House bill No. 279, An act conferring upon women the right to vote and hold office. Passed February 18, 69 to 34, (House Jour. p. 527,) over the protest of Speaker Elder and fifteen others of all parties. Messaged to the Senate the following day; Senate Jour. p. 409; indefinitely postponed March 2, on motion of Gillett; Senate Jour. p. 574.

By Mr. Whittington: House bill No. 339, An act to abolish the State Board of Pardons. Passed March 2, 64 to 33; House Jour. p. 790. Messaged to the Senate following day; Senate Jour. p. 594; referred to Judiciary Committee (Gillett, chairman), which reported to refer to committee of the whole; Senate Jour. p. 773; here it died.

By Judiciary Committee: House bill No. 436 (substitute for House bill No. 33), An act for the prevention of lotteries. Passed February 20, 81 to 0; House Jour. p. 578. Messaged to the Senate February 23; Senate Jour. p. 429; Senate never took any farther notice of this bill; Senate Jour. p. 954 (this being the page of index on which history of this bill is recorded).

By Mr. Doolittle: House bill No. 348, An act to remove political disabilities. Passed February 13, 108 to 3; House Jour. p. 440. Messaged to the Senate following day; Senate Jour. p. 335; referred to Committee on Judiciary (Gillett, chairman), which reported in favor of indefinite postponement; Senate Jour.

p. 622. When it appears that such violent Republican partisans in the House as Rice of Bourbon, Heber, Brown of Harvey, Reeder, Nixon, Seaton, besides such fair men as Douglass, all voted for this bill, the brutality of its slaughter in the Senate becomes the more apparent.

Also, House bill No. 479 (substitute for House bill No. 316), by Judiciary Committee: An act to protect the interests of debtors in the foreclosure of mortgages and other contracts in writing. Passed February 26, 89 to 0; House Jour. p. 706. Messaged to Senate same day; Senate Jour. p. 507; referred to Judiciary Committee (Gillett, chairman); Senate Jour. p. 559. It found its grave in a Senate committee's pigeon-hole.

By Judiciary Committee: House bill No. 540, An act relating to mortgages and other liens upon real estate, providing for the enforcement thereof, and regulating the right of redemption therefrom. Passed February 12, 107 to 0; House Jour. p. 409. Messaged to Senate February 14; Senate Jour. p. 334; defeated in Senate March 6; Senate Jour. p. 707. On March 11, the House considered the amendments passed by the Senate, and concurred therein, 68 to 0; House Jour. p. 1115. On March 9, four days before adjournment, and while the appropriation bills were crowding for attention, the Senate struck out all after the enacting clause, and passed substitute too late for the House to act upon it; Senate Jour. p. 787.

By Mr. Douglass: House bill No. 577, An act punishing drunkenness in public officials by forfeiture of office. Passed February 20, 81 to 0; House Jour. p. 577. Messaged to the Senate February 23; Senate Jour. p. 429; referred to Committee on State Affairs (H. B. Kelly, chairman); recommended for passage March 9; Senate Jour. p. 805; but allowed to die without any action.

By Mr. Stephens (by request): House bill No. 604, An act authorizing school boards to procure national flags for use of schools. Passed March 6, 67 to 0; House Jour. p. 949. Messaged to the Senate same day; Senate Jour. p. 716; died without action; never read even once.

By Mr. Doolittle: House bill No. 606, An act regulating the discharge of corporation employes, to prevent the "black-listing" of railroad employes, and providing penalties for a violation of this act. Passed March 5, 70 to 4; House Jour. p. 894. Messaged to the Senate same day; Senate Jour. p. 669; read the second time March 6, and referred to committee of the whole; Senate Jour. p. 723; never called up, but allowed to die unnoticed. While this important bill was unheeded, on the *same* day the Senate found time to pass local or private bills for the city of Newton; county of Woodson; Grove township, Reno county; change the name of a township; authorize voting of \$8,000 of bonds in Lecompton township, Douglas county, and *seven* other bills similar in importance, besides two or three of some general utility.

By Mr. Stewart: House bill No. 692, An act to prevent the spread of cholera among swine. Passed March 3, 85 to 0; House Jour. p. 818. Messaged to the Senate same day; Senate Jour. p. 624; referred to Committee on Agriculture (Roe, chairman), and reported for indefinite postponement; Senate Jour. p. 802.

By Mr. Neeley: House bill No. 693, An act to provide joint rates over connecting lines of railroads in Kansas. Passed February 23, 85 to 0; House Jour. p. 614. Messaged to the Senate same day; Senate Jour. p. 443; referred to Committee on Railroads (Kelley of Crawford, chairman), and by it reported favorably March 9; Senate Jour. p. 805; died from lack of attention.

By Mr. Fortney: House bill No. 696, An act concerning private corporations organized for profit; must file annual report with Secretary of State. Passed March 5, 72 to 2; House Jour. p. 908. Messaged to the Senate following day; Senate Jour. p. 696; never called up.

By Rogers of Marion: House bill No. 698, An act authorizing the county treasurer of counties having less than twenty-five thousand inhabitants to deposit public money in a bank, or banks, in the county; and to repeal chapter 189 of the Laws of 1889. Passed March 4, 81 to 15; House Jour. p. 836. Messaged to the Senate same day; Senate Jour. p. 628. When put upon its passage, Senator Kirkpatrick moved to strike out the enacting clause, which motion prevailed; Senate Jour. pp. 795-6.

RAILROAD BILL PEREMPTORILY KILLED. By Committee on Railroads: House bill No. 707 (substitute for House bill No. 140), An act relating to railroads, to establish a Board of Railroad Commissioners, to prescribe maximum passenger rates, to prohibit passes on railroads, and to provide penalties, and for other purposes. Passed February 24, 82 to 26; House Jour. pp. 623-4. Messaged to the Senate March 3; Senate Jour. p. 624; referred to Committee on Railroads (Kelley of Crawford, chairman), March 5; Senate Jour. p. 651; reported back unfavorably March 9; Senate Jour. p. 805.

By Committee on Education: House bill No. 712, An act to provide for a uniform series of school text-books, by publication or otherwise, and for the distribution thereof, repealing any act or portion thereof in conflict with this act. Passed February 24, 71 to 40; House Jour. p. 640. Messaged to the Senate the following day; Senate Jour. p. 469; on February 28, the bill was read the second time, and referred to the Committee on Education (Moody, chairman); Senate Jour. p. 559; on March 10, Senator Moody, from above committee, reported back the bill with recommendation that it do *not* pass, for the reason that a better Senate bill, on the same subject, was passed and in possession of the House before this bill reached the Senate; Senate Jour. p. 832.

Did "Age-of-Consent" Moody think people would take his word on a little

matter of this kind, and thus scatter abroad the impression that the House was engaged in jealous spite-work, and therefore that he was justified in retaliating in a similar spirit? Now for the facts:

House bill 712 passed the House February 24, and *was messaged to the Senate February 25*; Senate Jour. p. 469. Senate bill 264 (on same subject) passed the Senate March 2, (Senate Jour. p. 588,) and was messaged to the House March 3; House Jour. p. 802. Thus Senator Moody is convicted of placing a falsehood in his report to the amount of seven days, and conclusively proves that he was afraid to report against the bill on its merits, and took this cowardly method to stab the House, even in using falsehood to do it.

By Mr. Scott: House bill No. 718, An act to compel railroad and other assessors to assess railroad property at its true value in money, and providing a penalty for violation thereof. Passed March 5, 80 to 8; House Jour. p. 896. Messaged to the Senate same day; Senate Jour. p. 669; referred to Committee on Assessment and Taxation (Harkness, chairman), and reported by him for reference to committee of the whole, March 9; Senate Jour. p. 805; here it died.

ANOTHER RAILROAD BILL SLAUGHTERED. By Committee on Railroads: House bill No. 743 (substitute for House bill No. 210), An act to regulate and establish reasonable maximum charges for the transportation of freight on the different lines of railroads in the State of Kansas, and providing for a State Board of Railroad Commissioners, with general powers of supervision over the transportation lines within the State, and giving to such commissioners full power and authority to control, fix and regulate the charges and rates to be collected by railroad and transportation lines for carrying freight over such lines and roads in Kansas, and to prevent unjust and unreasonable discriminations in such charges, and providing for the selection of such commissioners, and the manner in which they shall be chosen, and prescribing their compensation and duties, and making appropriations to enforce this act. Passed February 26, 85 to 25; House Jour. p. 713. Messaged to the Senate same day; Senate Jour. p. 507; referred to Senate Committee on Railroads (Kelley of Crawford, chairman), on February 28, and by it reported unfavorably on March 9; Senate Jour. p. 806.

By Mr. Elder: House bill No. 833, An act declaring gold and silver coin of the United States a legal tender for all debts within the State, and prohibiting contracts for gold payments. Passed March 7, 73 to 13; House Jour. p. 989. Messaged to the Senate same day; Senate Jour. p. 755; omitted mention in Senate index p. 964; never further noticed in the Senate.

Mr. Elder introduced House bill No. 842, An act to abolish the Thirty-second Judicial District. Passed March 3, 67 to 30; House Jour. p. 823. Messaged to Senate the following day; Senate Jour. p. 629. The object of this bill was

to get rid of Judge Botkin without the expense of \$40,000 for an impeachment trial. The evidence all showed he was a disgrace to the State, and the abolition of his district was thought to be the shortest and cheapest way out of the matter. The Senate however, regardless of cost and with much high-sounding rhetoric about the guaranties of the constitution, decided to expend many thousand dollars in a mock trial (as the trial proved to be), only to retain in office a drunken debauchee, and convict themselves of being the most senseless partisans yet discovered. They refused to pass the above bill, March 6; Senate Jour. p. 711.

In relation to Senate bill No. 268, or its substitute, providing for World's Fair appropriation of \$50,000, and appointment of commissioners for the same: Much time was spent over this bill, the Senate insisting on the selection of commissioners in such a manner that a majority of them should be Republicans. The House insisted that the board should be chosen, three by the House (one to be a Democrat), and two by the Senate, but the Senate insisted that each branch choose two and the Governor appoint one; Senate Jour. p. 832. This was so as to insure a Republican majority on the board, which, for all purposes of reckless extravagance, would be as good as the entire board. The final vote in the House was taken on the proposition containing the provision for the appointment of three by the House and two by the Senate. The vote stood, 75 for and 22 against.

M. W. Cobun presented the following protest against its passage:

When the doors of the treasury are once opened to fill the requirements of this bill, it is but reasonable to suppose that it will end with the expenditure of \$100,000 or \$150,000. Now, let us look the matter squarely in the face, and ask ourselves the question: Is it wise, is it just or prudent to cast our votes for such a large appropriation, knowing as we do the condition of the people off whom it would come? The reputation of our State has suffered by the false and malicious misrepresentations of a partisan press and the representatives of moneyed rings. Banks and loan agents have written to Eastern loan companies the most willful misrepresentations; then published far and wide threatening letters, purporting to have come from them, that they would close their present loans and withdraw their capital from our State—to intimidate and coerce our people, whose only crime was that they dared to assert their constitutional rights, and hurl from power a party that had been false to its pledges. Let us look at the facts as they stand before us. We need not consume time to go back to past history to find them. We need only refer to the daily journals of this present Legislature. There you will see the indisputable evidence that the representatives of the Republican party on this floor have recorded their votes against every general measure intended by the majority for the relief of the people.

Now, at the close of this session, after a Republican Senate has pigeon-holed all of our important bills, they come to us beseeching us to vote away from our already burdened tax-payers this vast sum of money, to contradict and give the lie to what they have already published to the world against our people. I would say to the other branch of this Legislature, if you are so willing to impose this burden upon the people, it is but simple justice that you should do something for them in return: pass the bill relating to the foreclosure of mortgages; the bill preventing the taking of usury; the bill reducing the passenger and freight rates on our railroads; the bill making silver a legal tender for all debts in this State. Do that, and we will

join hands with you in any enterprise to uphold the honor and increase the prosperity of our State.

Who is it that are here lobbying in the interests of this bill? Is it the tillers of our soil? No; it is the place-hunters, the land and loan agents, already loaded down by past booms, and now seek to inaugurate another, to unload their depreciated securities. We, who represent the majority on this floor, come from among that class of people that pay more than their just proportion of the expenses of our State government; they pay tax on all they have; their property is all visible and cannot be concealed from the scrutiny of the assessors. They are not the holders of bank stocks, railroad stocks, or other bonds locked up in safes, whose locks and bolts will not yield, even to the solemn obligations of an oath. We come from a people that have to battle with drouths and hot winds; adverse seasons have driven them to the last emergency, to borrow money at ruinous rates of interest, which has eaten up their substance, and left them hopelessly in debt. We came here pledged to retrenchment and reform. Let us stand by our pledges to the end.

I therefore vote "No" on this bill.

M. W. COBURN.

Following is the manifesto issued by the chairmen of the various House committees, upon the work accomplished, or attempted.

[From the Nonconformist of March 26, 1891.]

PEOPLE'S MANIFESTO.

A Splendid Showing for the People's Representatives.—The Republican Senate Called to Account for Vetoing the People's Will, and Blocking Needed Legislation.—Important Measures Called for by Popular Demand Meet Their Death at the Hands of Republican Politicians in the Hold-Over Senate.

To the People of the State of Kansas: Having closed our work in the Legislature, we, through our duly-appointed committee, submit the result of our labors to your consideration, firmly convinced that it will receive your approval.

The Legislature met January 13th, as provided by law. Hon. P. P. Elder was unanimously elected Speaker. The committees were at once appointed, and the House proceeded to business on the second day thereafter, with a celerity hitherto unknown in the history of this State, and were at work two days earlier than any prior Legislature. The Senate, elected two years ago last fall, with two or three exceptions was opposed to our party and the platform upon which we were elected. The Governor and executive departments of the State, with the exception of the Attorney General, were also in opposition to us. No effort was spared by our opponents to divide and disorganize our party. We were told that the farmers could not and would not stick together. The daily press, not only here in Topeka, but all over the State, with two honorable exceptions, were opposed to us.

The first matter of importance was the election of State Printer. The People's candidate, E. H. Snow, of Ottawa, was elected on joint ballot, receiving

101 votes. For years Mr. Snow has been advocating our principles, and was and is in full sympathy with our demands. The People's Party, in conference, after hearing the claims of all candidates presented, decided on W. A. Pepper, editor of the *Kansas Farmer*, a man who largely contributed to the success of our party, for the high office of United States Senator, to succeed John J. Ingalls, and he was elected, without a break in our ranks. The result itself was worth all the effort of our party last fall, as it marks a new era in the politics of this State, and indicates the grand success of the party in the nation in 1892.

The schooled Republican politicians of the nation were gathered in Topeka, and our footsteps were dogged by "hired Hessians" at every turn, with offers of pelf and political honors, but without effect. We point to this with pride, as demonstrating that the chosen representatives of the People's Party have proven the falsehood of the rule of the ring politician, that "every man has his price."

We found upon our statute books a large number of laws creating boards of commissioners, State agents, etc., which seemed to have been placed there for the express purpose of providing places for favorites, rather than for any benefit to the State; but we have found it impossible to repeal these laws, with the Senate and executive department making a bitter fight against abolishing these sinecures.

An attempt was made on the part of the House, in good faith, and without any attempt to cripple any State institution, penal, charitable or educational, to reduce the expenses to something like an equality with the earnings of the average citizen of Kansas. This attempt was met by the Senate with an absolute refusal to consider any proposition which reduced the wages or salaries of employes of State institutions which were under Republican management. We present hereafter a comparison of appropriations made two years ago and the appropriations made this session. The Senate insisted on higher appropriations, except in the proposition to appropriate \$60,000 for the relief of the people in the western part of the State, who were suffering from the severe drouth of last year, and an appropriation of \$115,000 to provide for the destitute insane, who have been for years past confined in the county jails in this State. The People's Party of the House originated and passed the bill appropriating \$60,000 for the relief of the western farmers of this State, which was defeated by the Senate. We have not forgotten that, during the drouth in eastern Kansas, in 1860, several northern State Legislatures appropriated large sums of money for the relief of the people; but when the People's Party passed the bill in the House for the purpose of relieving western Kansas from a similar infliction, the Senate discovered that all such legislation was unconstitutional. By amendment, insisted upon by the Senate,

the different counties in the western part of the State were made responsible for the distribution of seed grain sent to them, and the price thereof must be returned to the State treasury, while the recipients, in the eastern part of the State, of the bounties extended to them in 1860, refused, through their Republican Representatives and Senators, to assist one dollar in the relief of suffering in western Kansas.

The Legislature of this session has not resulted in what we desired to accomplish, nor in what the people would have had the right to expect from us had we been in power in all the branches of the State government.

By and with the aid of the Senate, 473 acts were passed, and will become laws upon our statute books, among the most important of which is: Prohibiting alien ownership of land in Kansas, and providing for the sale of all lands owned by aliens, acquired after the date of this act, in from three to six years' time, or upon the death of aliens holding previous to the enactment of this law.

The following House bills were concurred in by the Senate, and are now a part of the laws of the State:

To authorize the sale of alcohol by wholesale druggists and dealers in photographers' supplies, and for other purposes.

Apportioning the State of Kansas into Senatorial and Representative districts.

An act to abolish survivorship in joint tenancy.

An act to establish an experimental station at the State University of Kansas, to promote and conduct experiments for the destruction of chinch-bugs by contagion or infection, and making an appropriation therefor.

Requiring moneys coming into the hands of county treasurers in certain counties to be deposited in banks.

For the continuance and maintenance of forestry stations.

Act constituting eight hours a day's work for all workingmen employed by the State, counties, cities, or townships.

An act to regulate warehouses, the inspection, grading, weighing and handling of grain.

An act relating to the sale of real estate for delinquent taxes for such counties as shall adopt the provisions of this act.

Joint resolution recommending the calling of a convention to revise, amend or change the constitution of the State of Kansas.

An act prohibiting combinations to prevent competition among persons engaged in buying or selling live stock, and to provide penalties therefor.

The House Committee on Banks and Banking prepared a bill regulating and controlling all banks within the State of Kansas, and submitted it, not only to the leading bankers of Kansas, but of the West. The Senate had also prepared a bill regulating the banks of Kansas, but the House substituted for it

the House committee banking bill, and it was passed by an almost unanimous vote of the House, and by a large majority in the Senate. This bill will put an end to the era of "wild-cat" banking in Kansas.

The following are some important bills that passed our House, but were defeated by the Senate:

After a careful examination, the House adopted the Iowa schedule of freights and fares, increasing them, however, nearly 20 per cent. above the Iowa railroad rates, which was an average reduction of present Kansas rates of 13 per cent. This bill also provided that no more should be charged for a short haul than for a long one. It also provided for election of Railroad Commissioners by direct vote of the people, with power to change freight rates as conditions required. The Republican Senate refused to even consider this bill. The present Railroad Commissioners used their influence against the consideration of the bill, and showed that they were opposed to the people, and were the mere employés of corporations. On no subject that came before us was as persistent a fight made as on this transportation question. Every railroad attorney in the State was present, in addition to the railroad officials, and in order to show a spirit of fairness they were all allowed to come before the Committee on Railroads and show why freight rates should not be reduced. All the evidence was sifted, and after weeks of hard labor by the committee, the bill was formulated and presented to the House. The Republican minority fought the bill with all the weapons of parliamentary law, the oft-repeated tales of widows and orphans owning the watered stock on which Western producers and consumers are made to pay tribute were rehearsed, but our lines did not waver, and we sent it over to the Senate. This bill was introduced into the House on February 13, and referred to the committee of the whole. Owing to the fact that the original bill got lost in the safe of the Republican State Printer, it was February 26 before this bill passed the House, but no effort was made to consider it in the Senate, in spite of the fact that eighteen days intervened before adjournment.

Bills were also passed by the House reducing fares on railroads to $2\frac{1}{2}$ cents per mile, and prohibiting the issuing of free passes, and compelling railroads to furnish freight cars on five days' notice. The Senate refused to even consider this measure.

The House also passed a bill that, had it become a law, would have driven unscrupulous Shylocks who are robbing the people by a usurious interest of from 25 to 100 per cent. per annum out of the State, or forced them to become honest, law-abiding citizens, by loaning their money at a legal rate of 10 per cent. The bill provided for forfeiture of both principal and interest in case of usury, and is nearly a copy of the New York laws on this subject. The Senate Judiciary Committee killed this bill, on the ground that it would

drive capital out of the State, thereby admitting there is no penalty on the statute books of the State, and that the borrower is wholly at the mercy of the lender.

We passed an equity of redemption bill, giving to the mortgagor two years to redeem his home after foreclosure, making the property encumbered satisfy the mortgage, and no personal judgment. It reduced the cost of foreclosure, and would have acted as a stay law to existing contracts for two years at least. Governor Humphrey, in his famous "Gath" interview, said "that one firm of lawyers alone had 15,000 foreclosures." It was to relieve this class of our State citizens, in danger of losing their homes, that the bill was passed, besides, with such a law on the statute books of every other State in the Union, with one exception, we thought that Kansas homes should have equal protection with those of other States. The promise of such a law has been made for at least eight years by the Republican party represented by the Senate, yet in the face of these facts the Senate amended the bill in every conceivable way that would hamper and kill its object, and then attached a clause that it should not apply to mortgages already given. They sent it back to us; we struck off the amendment, we repassed the bill, sent it back to the Senate, which refused to receive it on account of senatorial dignity, claiming it was outside the rules, and the groans of the oppressed must not be heeded at the expense of senatorial dignity. The bill setting aside a sale on account of an inadequate price and repealing the waiver of appraisement was introduced and passed in the Senate early in the session, and was known as the Mohler bill. It came down to the House, but before it could be reached on the calendar, the Senate changed its mind, from just what influence we are unable to state, recalled it, and made it a special order for April 1, virtually killing the bill, and making relief an "April fool" for every poor, mortgaged farmer and laborer in the State. It was a good bill, and would have protected our homes. A similar bill was introduced and passed in the House, and we sent it over to the Senate, and it died on their calendar, the change of heart they experienced when they withdrew their bill from the House having never left them.

We also passed a law compelling the original mortgage to be brought into court in foreclosures instead of a copy, as is being done now. Hundreds of foreclosures have been made all over the State with copies that will cause litigation for years and insecure titles. Two judges have decided that under the old law this must be done, but the Supreme Court has never passed on the question, and in order to give immediate relief a bill was introduced and passed in the House, but it gave up its life in the Senate.

The House also passed a bill making silver dollars and half-dollars legal tender for all debts contracted in the State, and declaring gold contracts null

and void. This bill was bitterly opposed by the Republicans in the House, on the theory that it would ruin our credit and drive capital out of our State, and the Senate refused to even consider it at all.

We passed an assessment bill that would compel those persons who have been in the habit of concealing their notes and allowing the honest people and farmers of this State to pay their share of the taxes, and was a search warrant that would cause all taxable property to be listed. It failed to go on the statute book from a death stroke by the Senate. For the purity of the ballot we passed the law that has given such general satisfaction wherever tried, known as the Australian ballot bill, not only of our own platform but of the Republicans also. It went over to the Senate early in the session, but expired on the calendar. If the House had killed it we would have been charged with being unfriendly to a free ballot. As it is, we wish to be charitable and let the people judge as to their motive.

We appropriated \$50,000 for the World's Fair at Chicago, in 1893, and provided that there should be five commissioners, to be elected as follows: Two by the Senate, two by the House, and one by the Democrats of the House. This we considered a fair distribution of managers, as the Republicans cast 116,000 votes, the People's Party 108,000, and the Democrats about 60,000; but the Senate said: "We must have three out of five, or else Kansas will have to stay at home." The Senate passed a bill which had attached to it a complete revision of the State Board of Agriculture of Kansas, and which provided for the election of said Board as a State officer. The Secretary was to be made a member of the Board of Commissioners of the Columbian exposition. Under the theory that such Secretary should be a member of said Board, the Senate absolutely refused to consider any World's Fair appropriation which did not have the reorganization of the State Board of Agriculture as a condition thereof. Until 11 o'clock the night before adjournment, when no quorum was in the House, no bill ever passed the Senate, or was ever considered in the Senate, which did not have those provisions attached.

The following, in addition to the above, are some of the important bills passed by the House, which the Senate refused to pass:

An act prescribing penalties for accepting bribes.

Act to abolish the corrupt use of money and corrupt acts at elections.

Relating to continuances in district courts.

Prohibiting railroad companies from employing or using private armed detective forces during railroad strikes or other disturbances arising between such railroad companies and their employés, and providing penalties for the violation thereof.

Relating to the redemption of lands sold for taxes, and amendatory to tax

law of 1876, chapter 43 of Laws of 1879, and reducing interest on the same to 10 per cent.

Act with reference to the verdict of juries, and to amend section 286 of the code of civil procedure, being paragraph 4381 of the General Statutes of 1885, doing away with special findings.

To protect counties, cities and townships against the illegal or fraudulent acts of their officers.

To prohibit subscription of stock or voting bonds for the construction of railroads.

To provide for the weekly payment of wages in lawful money of the United States.

To amend section 8, chapter 93, Session Laws of 1871, being an act entitled "An act to establish an insurance department in the State of Kansas, and to regulate the companies doing business therein," and to compel the payment of policies in full or the rebuilding of destroyed property.

The attempt to rearrange and change the fees and salaries of county officers in the State resulted in the passage of two bills, one by each House, and the inability to agree. Owing to the conflicting interests at stake in the different counties of this State, the House, through its members of the conference committee, agreed that each county should arrange and suggest to the committee the amount to be paid to each county officer, and after such report had been made to the committee, and the conference committee had agreed to accept it, and had reported the same to the two houses, the House promptly passed the conference committee bill, but the Senate refused to join therein, and the measure did not become a law.

To provide for an inspector of hogs and cattle offered for sale at the stock yards located within the county of Wyandotte, defining his duties and tenure of office, and removing all restrictions in trade of dead hogs and cattle therein.

Limiting the power of counties, townships and cities to borrow money and create indebtedness.

To prohibit private banks from doing business in any other than the individual names of the proprietors, and providing penalties for the violation thereof.

To prohibit counties, townships and cities from voting aid except for buildings, bridges, and school-houses.

To destroy election returns after the expiration of five years.

Conferring upon women the right to vote and hold office.

An act for the prevention of lotteries.

An act to abolish the State Board of Pardons.

An act to amend the code of civil procedure. This would have reduced the work of the Supreme Court one-half.

To punish drunkenness in public offices by forfeiture of office.

Regulating the discharge of corporation employes, to prevent black-listing of railroad employes, and to provide penalties for the violation thereof.

To provide joint rates over connecting lines of railroad in Kansas.

To authorize county treasurers of counties having less than 25,000 inhabitants to deposit public moneys in a bank or banks in the counties, and to repeal chapter 189 of the Laws of 1889.

To provide for a uniform series of school-books, by publication or otherwise, and for the distribution thereof, repealing any acts or portions thereof in conflict with this act. This bill, so manifestly just and proper, and in the interest of the people, the Senate refused to pass.

The appropriation for the next two years, while thousands of dollars lower than in the years past, has been swelled by necessary investigations and by the impeachment of one of the Republican district judges of the State. It became the duty of the present House, forced upon it by Republicans living in the Thirty-second Judicial District, to investigate charges of drunkenness, fraud, etc., preferred against Judge Theo. Botkin. The investigation resulted in the preferment of articles of impeachment for high crimes and misdemeanors. After the impeachment had been ordered by the House, we attempted to follow the recommendations of the Republican revision committee of the Senate to abolish the district in the judicial apportionment in Kansas, and at the same time relieve the State from the expense of the impeachment trial, and the bill was passed through the House abolishing the Thirty-second Judicial District. The Senate refused to even consider the bill, which would have saved the enormous expense of impeachment, and immediately organized as a court of impeachment. The expenses of the investigation and the impeachment simply increase the regular appropriation of the two years. In addition, the House commenced investigation of the construction of the State capitol, where over \$2,500,000 has already been expended, and at the time of adjournment discovered that the end was not reached and that further investigation should be made; and the expense of such investigation can also be added to the list of regular appropriations. This report will be printed.

The notorious Coffeyville explosion of two years ago came prominently before this Legislature, and a legislative committee, composed jointly of Senators and Representatives, was appointed to examine into the facts relating to such explosion; and that investigation is yet incomplete, but the expense can be added to the legitimate regular expense of the biennial period.

The regular appropriations under Republican rule for the two years end-

ing June 30, 1891, were about \$3,250,000; then add deficiencies, amounting to nearly \$350,000, and their expense is \$3,600,000. The appropriations made by the present Legislature, including the deficiencies made by the Legislature of 1889, amount to \$2,600,000, a saving of a million dollars in current expenses. They also include the expenses of this Legislature, and carefully-estimated current expenses of the Legislature of 1893, and the payment of all bills to June 30, 1893. The Legislature of 1889 left as a debt against the State of Kansas the payment of salaries and expenses to every board connected with every State charitable, educational, and penal institution; it also failed to provide for the payment of sheriffs taking prisoners to the penitentiary; also the payment of sugar bounty provided for under the law passed by the Legislature of that year; also for the payment of expenses for providing for the destitute insane of the State; it also lacked nearly \$80,000 of providing for the State Printer and for the State Fish Commissioner, and numerous other items, aggregating a grand sum total of about \$350,000. All of these bills, so far as they have come to the attention of this Legislature, have been provided for and paid by the People's Party in the House. The only serious difficulty which has been compromised by the House was one in which the Senate demanded that the House should make an appropriation to provide for the expenses of the Senate Revision Committee, provided for two years ago under Senate resolution. By consent of the House at that time, an appropriation of \$1,500 was made to pay the expenses of the same. This House refused to pay the expenses of that committee exceeding the \$1,500, unless itemized statements were filed with Auditor of State. After a struggle lasting nearly a week, the House forced the revision committee to file their bill. That bill is herewith included, item by item.

These items, it will be understood, were in case of a fixed appropriation, and made in violation of the law by Senators of the State of Kansas, which law provided for their imprisonment in the penitentiary in case they exceeded the appropriation. The House finally passed the bill which left these gentlemen free.

The value of the work done by the Senate Revision Committee is submitted to the people of the State of Kansas, and in connection with the declaration of the most prominent attorneys in the city of Topeka, that their work could have been reasonably done at an expense of \$500.

F. P. Harkness.....	187 days' service.....	\$561 00
"	34 days' service.....	102 00
"	41 days' service.....	123 00
"	4 days' service	12 00
"	200 miles, at 15 cents.....	30 00
"	clerk hire for committee.....	1,150 00
"	clerk hire for committee.....	79 20
		<u>\$2,057 20</u>

C. H. Kimball.....	187 days' service.....	\$561 00	
"	24 days' service.....	72 00	
"	17 days' service.....	51 00	
"	4 days' service.....	12 00	
"	34 days' service.....	102 00	
"	430 miles, at 15 cents.....	64 00	\$862 00
Joel Moody.....	187 days' service.....	561 00	
"	34 days' service.....	102 00	
"	24 days' service.....	72 00	
"	17 days' service.....	51 00	
"	4 days' service.....	12 00	
"	292 miles, at 15 cents.....	43 00	841 00
M. C. Kelley.....	187 days' service.....	561 00	
"	17 days' service.....	51 00	
"	4 days' service.....	12 00	
"	34 days' service.....	102 00	
"	24 days' service.....	72 00	
"	378 miles, at 15 cents.....	56 70	854 70
T. B. Murdock.....	187 days' service.....	561 00	
"	13 days' service.....	39 00	
"	23 days' service.....	69 00	
"	11 days' service.....	33 00	
"	11 days' service.....	33 00	
"	17 days' service.....	51 00	
"	4 days' service.....	12 00	
"	272 miles, at 15 cents.....	40 80	838 80
Grand total.....			\$5,453 70

There is no evidence to show that they employed any clerk other than one of their number, Senator F. P. Harkness. Not a single measure reported by this committee ever became a law, except one which was so badly mutilated that its authors could not recognize it.

As a comparison of economy between the two houses, we submit the fact that the Senate, with 40 members, had 118 employés on its pay-roll, while the House, with a membership of 125, had only 82, making a difference of \$129 per day in the cost of running the two houses.

In closing, we can safely say, in refutation of the charges made by our political enemies, and given such wide circulation, that we did not consider or pass a single bill that could in any way, directly or indirectly, disturb the relation of debtor and creditor, or jeopardize the collection of debts, or to repudiate any honest obligation; and with this brief and careful summary of only a few of the important measures considered and passed by the People's House of Representatives during the thirtieth session of the Kansas Legislature, with the action taken thereon by the Republican Senate, we know that we can safely say to every business interest in the State of Kansas, that we have tried to carefully guard and protect the same in the interests of the people of our State, and that they will not fail to see how unfortunate it was, and in future will be, to have a Republican Senate, whose only business object was to obstruct honest legislation in the interest of the people of this State, and to checkmate the action of the people's chosen representatives, and we com-

mend this review to the honest consideration of our people and a candid world.

The above address is signed by —

P. P. ELDER, *Speaker of the House.*

WM. ROGERS, *Chairman Committee on Ways and Means.*

J. S. DOOLITTLE, *Chairman Committee on Judiciary.*

DAVID SHULL, *Chairman Committee on Legislative Apportionment.*

WM. M. CAMPBELL, *Chairman Committee on Railroads.*

A. A. NEWMAN, *Chairman Committee on Municipal Corporations.*

C. R. CLEVELAND, *Chairman Committee on Engrossed Bills.*

M. W. COBURN, *Chairman Committee on Federal Relations.*

W. DOTY, *Chairman Committee on Banks and Banking.*

LEVI DUMBAULD, *Chairman Committee on Elections.*

A. H. LUPFER, *Chairman Committee on Education.*

JOHN BRYDEN, *Chairman Committee on Live Stock.*

Concerning the work of the Senate Revision Committee, referred to above, Colonel S. N. Wood said, in "Wood's Manifesto," p. 9:

"I have read the editorial in the *El Dorado Republican* as to the disposition of the bills reported by this 'Revision Committee,' and find that bill No. 1, An act in relation to State officers, etc., passed the Senate, was sent to the House, and March 6th the Senate recalled it, and, of course, strangled the little infant.

"Bill No. 2 was an act to establish the salaries of the officers of both houses.

"Bill No. 3, providing for a State Board of Public Works, passed both houses.

"Bill No. 14, providing for a Fish Commissioner, passed the Senate. It was killed in the House, and this expense was saved to the State.

"Bill No. 16, State Agent at Washington on a large salary, passed the Senate, was killed in the House, and this expense saved to the State.

"Bill No. 20 was the county officers' bill, already alluded to, and died in the Senate. [Died in hands of Conference Committee; Senate Jour. p. 726, and House Jour. p. 990.]

"Bills Nos. 4, 5, 6, 7, 8, 11, 12, 13, 15, 17, 18, 19, 21, 22, 23, 24 and 25 never reached the House, and died in the Senate in the arms of their godfather, the 'Senate Revision Committee;' and thus ended the Senate revision farce."

[If our space would permit, we would like to include all of "Wood's Manifesto," and we now recommend everyone to get a copy as a companion to this volume.]

[Published in Leavenworth Times, April 12, 1891.]

BUCHAN ANSWERED.

The Wyandotte Manipulator shown up in Detail.—Mr. Rogers, Chairman of the House Ways and Means Committee, Issues a Strong Document.—Points of Vital Interest to the People of Kansas.—The Wily Senator's Memory Seems to be Poor.—Notes.

To Senator W. J. Buchan: My attention has been called to a four-column statement published in the *Topeka Capital* of April 5th, signed by William J. Buchan, chairman of the Senate Ways and Means Committee, in which there are so many misstatements that I feel compelled to correct some of them.

So far as the speech of Speaker Elder was concerned, I do not know as that gentleman needs any defense at my hands from the attacks of a man of the known standing of Senator Buchan, especially when that eminent Republican authority deliberately falsifies the records of both Senate and House regarding the appropriations of 1891; and, therefore, I shall pay no attention to that part of the Senator's essay.

As to the glory which can be won to either house over the introduction of bills, it is hard to see where it comes in, as a duplicate set was prepared by the State Board of Charities and the officers of the various institutions, and submitted to members of both houses; and the long list of bills prepared by Senator Buchan and his committee, and introduced with a flourish of trumpets on the eighteenth day of the session, were simply duplicates of a series of bills introduced by myself in the House on the tenth day of the session, and referred the next day to the House Committee on Ways and Means. (See *House Journal*, January 23 and 24.) I certainly claimed no glory for having received these bills from the hands of the eminent army of appropriation-seekers, and introducing them, but if the House committee had reported those bills back exactly as prepared, except to reduce the salary of one official who had refused to pay a political assessment last fall, the people of Kansas would have been justified in denouncing that committee as being either incompetent or corrupt, especially if it had neglected to visit a single State institution, or inquire into its necessities. Yet this is precisely what Senator Buchan's committee did, as I find by comparing the Senate committee record with a memorandum submitted by the State Board of Charities at the beginning of the session.

That there was a joint meeting of the two committees arranged for about the fifteenth day of the session, is true, and the failure of that meeting lies as much with Senators as Representatives. Later, the House committee asked for a joint investigation of the possibility of converting the Hutchinson Reformatory into an insane asylum, but never even received the courtesy of an answer, in spite of the fact that the communication was delivered personally

to Senator Buchan, and the question was one deserving of the most careful consideration at the hands of every member of both committees.

While the Senator is in error as to the number of House appropriation bills which passed, I have no desire to quarrel with him over the matter. The House committee took up Senate bills simply to save time, and in most cases used their own perfected bills as amendments, and from the amount of bad language used by the Senator about the matter, it is evident that he at least discovered that the beautifully type-written bills which had been prepared at various places in the State, while he and his colleagues were sweating blood over their perfection, had been through the hands of that "ignorant" lot of grangers at the other end of the capitol. The Senator is not wise in his reference to the miscellaneous bill, and is unkind to his party friends. The terrible array of room rents, which he so bitterly complains of, was all arranged for by the Secretary of State, and his figures and vouchers were accepted by the House committee. It is my understanding now, that two of those rooms were occupied as sleeping apartments, one by an Alliance employé, and one by a Republican member; but if I had known at the time that the Republican Secretary of State was certifying such bills, I should certainly have hunted up the Senator and assisted him all in my power in his efforts to prevent the unfair expenditure of that \$34.25. The Senator may recollect that several items were added to that bill which were not even suggested by the House. The little item of \$10,000 to Cliff. Baker so as to round out his biennial appropriation to \$220,490.36, an excess of over \$67,000 of the amount allowed for State printing for the next two years, was put on by the Senate and forced through. Also, such little matters as paving bills in the home city of the Senator, and other items, which nearly doubled the amount of the bill submitted by the House.

The Senator is not so accurate in his figures, either, as would naturally be expected of the chairman of the committee which he tells us devoted so much time and attention to the financial affairs of Kansas. He prints a little table which he says shows the various amounts appropriated by the Senate. For the purpose of an easy comparison, I repeat it, as follows:

<i>For what purpose.</i>	<i>1892.</i>	<i>1893.</i>
State Horticultural Society.....	\$1,235 00	\$1,235 00
State Agricultural College.....	17,350 00	9,300 00
Conveying prisoners to penitentiary.....	13,000 00	13,000 00
State Normal School.....	17,700 00	13,175 00
Institution for the Education of the Deaf and Dumb.....	44,000 00	44,000 00
Institution for the Idiotic and Imbecile.....	19,570 00	19,570 00
State Reform School.....	38,500 00	38,500 00
Soldiers' Orphans' Home.....	20,000 00	20,000 00
Institution for the Education of the Blind.....	19,200 00	19,200 00
Industrial School for Girls.....	17,500 00	17,500 00
Salary of State Board of Charities.....	6,500 00	6,500 00
State Insane Asylum, Topeka.....	120,000 00	120,000 00

<i>For what purpose.</i>	<i>1892.</i>	<i>1893.</i>
State Insane Asylum, Osawatomie.....	87,850 00	87,850 00
State Penitentiary.....	163,878 78	138,425 00
Regents of Normal School, Agr. Col., and Penitentiary directors,.....	4,900 00	4,900 00
Destitute insane.....	30,000 00	30,000 00
Executive and judiciary.....	284,860 00	281,310 50
Total.....	\$911,043 78	\$864,465 50

THERE MUST HAVE BEEN A MISTAKE.—It is possible that, in the long, dark passage between the Senate and the House, Colonel Stacey, the eminent Republican Secretary of the Senate, may have changed some of the bills while he was carrying over his messages; but as I can see no good reason why he should do so, I am constrained to believe that the Senator has made a mistake somewhat—a mistake almost as serious as he made in the national water-works bill, or the road-certificate refunding bill. When these bills reached the House, the following was the condition of them—I consolidate the two years for convenience:

State Horticultural Society.....	\$2,670 00
State Agricultural College.....	36,677 64
Conveying prisoners.....	30,000 00
State Normal School.....	31,675 00
Institution for the Education of the Deaf and Dumb.....	87,400 00
Idiotic and Imbecile Youths' Asylum.....	41,140 00
State Reform School.....	77,000 00
Soldiers' Orphans' Home.....	40,400 00
Institution for the Education of the Blind.....	38,400 00
Industrial School for Girls.....	34,600 00
State Board of Charitable Institutions.....	13,000 00
Topeka Insane Asylum.....	239,200 00
Osawatomie Insane Asylum.....	174,900 00
State Penitentiary.....	378,463 78
Regents and Directors.....	20,673 42
Destitute insane.....	30,000 00
Executive and judicial.....	635,462 51
Total.....	\$1,911,662 35

HOW THE BILLS GREW.—The careful mathematician will notice that somewhere between the eagle eye of Senator Buchan and the House Ways-and-Means-Committee room these bills had grown \$136,153.07. The truly-good Colonel Stacey could not have stuffed all of the bills, and a look over the list shows that he got in his work on the Penitentiary bill, unless the Senator is mistaken, and it really leaves me in a quandary as to which is true—Senator Buchan mistaken or Colonel Stacey corrupt. The Senator says the Senate passed the bill at \$302,303.78, and it arrived at the Houseswelled to \$378,463.78. If Colonel Stacey was really trying to stuff that bill, I cannot account for his leaving that 78 cents unchanged. As the bill passed at \$329,580.78, it would look to an ordinary farmer as though there was an actual reduction of \$48,883 for the next two years, instead of an increase of \$20,000, as incidentally stated by the Senator. If we add the earnings of the numerous convicts

now employed as waiters, cooks, etc., at State free hotel, the decrease of expense is many hundreds of dollars more.

The Senator is a trifle mistaken as to the Osawatomie Insane Asylum. The House attempted to even up salaries between the two asylums, and succeeded, in spite of the fact that it affected a few political farmers in Topeka. Then, as the Senate committee had declined to join us in an attempt to care for the large number of destitute insane, the House committee took Dr. Knapp into council, and proceeded to prepare a bill to erect a new building to provide for 300 more inmates. That appropriation was \$60,000; in addition, we appropriated \$53,000 to care for the insane received there after January 1, 1892. We believed this a humane and necessary appropriation, and we thank the Senator for allowing it to pass without change.

The most remarkable statement in the Senator's essay is his table of deficiencies. To an ordinary man, who has not devoted his life to intricate calculations, it would seem that when a law is passed to pay somebody, or something, a specified amount, and no appropriation was made to pay it, that when the appropriation was called for at a later date, that appropriation would be for a deficiency. Hence, to the ordinary man, who does not have enough ability to run the finances of Kansas, manage the great Republican party, and elect a Senator against the will of the people, all at once, it may seem plausible that the following amounts are really deficiencies:

State Printer.....	\$80,000 00
Industrial School for Girls.....	10,000 00
Regents, Trustees, etc.....	25,930 00
Sheriffs (conveying prisoners).....	24,000 00
Publishing joint resolutions.....	19,255 00
Judges' pay (1889).....	5,000 00
Soldiers' Home.....	6,375 00
Care of destitute insane.....	75,000 00
State Agent.....	16,710 98
Sugar bounties.....	53,304 08
State Veterinarian.....	6,725 00
Old gas bills.....	1,242 00
Stationery for 1889.....	1,161 50
Secretary of Senate, 1889.....	471 00
Metropolitan police.....	20,000 00
State Library.....	4,000 00
Small items in executive bill.....	3,078 00
Total.....	\$352,352 56

It is very probable that the above list does not include all of the deficiencies provided for, as they were scattered around among the famous collection of Senate bills which seem to have been so carefully prepared that even the noted chairman of the Senate Ways and Means Committee did not know what he was passing; but as it only shows a trifling error of \$181,836.57 on the part of Senator Buchan, we will let it pass.

THE APPROPRIATION BILLS.—The Senator is not to blame for the great

stress he puts upon these eighteen appropriation bills. He forgot to mention the fact that his committee passed another list of bills, and that they too passed the Senate and were taken by Colonel Stacey over to the House with a request that they be enacted into laws. Among these were bills to provide for buildings at Topeka, at Winfield, at Atchison, and at various other points, and after one of those cold, careful examinations of the needs of the State institutions for which the Senator's wonderful committee has become so famous, the Republican end of the Legislature proceeded to appropriate something like \$800,000 which the Senator seems to have forgotten about. Those bills came over and fell among the hayseeds, and while no adequate provision was made for the insane, it was discovered that all the contractors were provided with fat jobs.

Senator, I regret to say it, but at one time the House Ways and Means Committee had thirty-nine of your bills in its possession which appropriated \$2,704,016.24, and which did not cover the necessary appropriations by half a million dollars. While you were talking about the eighteen bills which the ignorant hayseeds bungled so terribly, why did you not review the other twenty-one?

The House is willing to submit the wages paid in the Topeka Insane Asylum schedule, as given by the eminent Senator from Wyandotte, as being high enough, and really too high, when it is considered that necessary living expenses are furnished in addition to those salaries. The changes made by the House was an honest attempt to equalize salaries between the two asylums where the work was identically the same.

The Senator plaintively refers to the number of small appropriations made by the Senate, aggregating \$26,500, for necessary additions to buildings. Can it be that the wicked Colonel Stacey stuffed some more bills, or has the Senator lost the records of the hard-working body of which he is such a distinguished member? Here are a few of the "trifling amounts" which arrived at the House:

Industrial School for Girls.....	\$6,400 00
State Reform School.....	28,617 00
Idiotic and Imbecile Youths' Asylum.....	18,794 00
Osawatomie Insane Asylum.....	24,175 00
Institution for the Education of the Blind.....	3,680 00
Soldiers' Orphans' Home.....	54,350 00
State Agricultural College.....	24,010 98
Institution for the Education of the Deaf and Dumb.....	9,500 00
State Normal School.....	31,675 00
State House.....	278,000 00
Total	\$479,201 98

Some of these were allowed, and no institution was left to suffer. Even the State house got \$60,000; enough to complete the dome, lay floors, build steps, and finish ten committee rooms, so that rents can be hereafter saved.

ENORMOUS MISSTATEMENTS.—If the Senator will look carefully at his statement that the \$26,194.24 deficiency in the executive appropriation is for the pay of officers created two years ago, he may blush at the enormity of his misstatements. It is not true, as over \$6,000 was for the State Veterinarian, \$20,000 for the police commissioners, while the Fish Commissioner and the State Librarian both came in that bill. It would have been better to have attempted accuracy somewhere than to make continuous blunders, even if the *Topeka Capital* was ready with an indorsement of the manifesto before its delivery.

The exceeding grace with which the Senator explains certain other financial matters is only exceeded by his statement of the annual tax levies since 1867, in which he shows his inability to comprehend what the actual levy has been in years gone by. See your tax receipts each year since 1867. He also insinuates that the present assessment of the State is the highest in its history, when it is a known fact that our assessment is decreasing, and that the House consented to a levy of one-tenth of a mill higher than would be necessary if it was not very probable that the assessment of 1893 will be much less than the present one. All of the things which seem to have escaped the eagle eye of the Senator would fill a book, and I have not time to review them.

When the People's Party last fall charged extravagance and mismanagement upon the Republicans of Kansas, it made no charges which have not been proven. Taking the Senator's own footings as true, and we have the legitimate expenses of the last biennial period swelled to the sum of \$3,000,000, including the deficiencies, while the "extravagant" action of the present House has cut them down to a trifle over \$2,000,000 after deducting the deficiencies. These are things so plain that he who runs may read and make no mistake.

So far as the World's Fair bill was concerned, the Senator knows that the body of which he is a member never passed one until so late in the session that not a quorum remained in the House. There was always connected with the Senate bill a rider which created a new State office, as well as a World's Fair Commission. It was a bill in which the amount to be appropriated was never questioned in either house, but in which Senate statesmen attempted to create a new permanent political office at the risk of a failure of the appropriation. If anybody is responsible for the failure of that bill, it was not the House, because that body never attempted to make a political measure out of the bill until the issue had been forced by the Senate.

In closing, I wish to ask the Senator what was done by the Senate to work reforms in this State? Your party promised railroad legislation. Did you make any effort to get any? If not, why not? Did you ever read the platform of your party of 1890? Why did you refuse to even consider any of

the promises therein made? Possibly you may imagine that the mere fact that the Senate backed its Ways and Means Committee in an attempt to meet every demand for an appropriation, is a sufficient record for such a party as you represent. If that is the case, I simply ask you to content your soul in patience and wait the verdict of the voters of Kansas in 1892.

WM. ROGERS,

Chairman of House Ways and Means Committee.

THE RAILROAD BILL.

House bill No. 743 was the objective point of much discussion during the past winter, and will be an issue in the coming campaigns, and have great weight in determining the value of the services of the People's Representatives; accordingly we here present the bill in full, together with comparative tables illustrative of the changes it would have produced if it had become a law:

AN ACT to regulate and establish reasonable maximum charges for the transportation of freight on the different lines of railroad in the State of Kansas, and providing for a State Board of Railroad Commissioners, with general powers of supervision over the transportation lines within the State, and giving to such commissioners full power and authority to control, fix and regulate the charges and rates to be collected by railroad and transportation lines for carrying freight over such roads and lines in Kansas, and to prevent unjust and unreasonable discriminations in such charges, and providing for the selection of such commissioners, and the manner in which they shall be chosen, and prescribing their compensation and duties, and making appropriations to enforce this act.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all railroad corporations or companies organized under the laws of Kansas, or doing business within the State, their trustees, receivers, lessees, or managing agents or officers, shall be limited in their maximum charges to the rates of transportation which are provided for in this act, or fixed by the Board of Railroad Commissioners herein provided for. No railroad or transportation company or corporation shall charge, accept, or receive any greater rate for the transportation of freight from any point within this State to any point within this State than permitted or allowed under the provisions and authority of this act. All railroads in this State shall be classified according to the respective annual earnings of the said several roads—according to the amount of their annual earnings within the State—for the preceding year, as follows: Class A shall include all railroads whose gross annual earnings shall be four thousand dollars or more per mile; class B shall include all railroads whose gross annual earnings shall be three thousand dollars per mile and less than four thousand dollars per mile; class C shall include

all railroads whose gross annual earnings shall be less than three thousand dollars per mile.

SEC. 2. All railroads, corporations or companies shall be limited according to their classification to compensation to the amount fixed herein or established by the Board of Railroad Commissioners created by this act, and it shall be unlawful for any railroad corporation, company, association, individual or carrier engaged in the transportation of freight to charge, accept or receive a greater rate for the transportation of property than provided for in this act, or established and fixed by the said commissioners under the authority hereby conferred upon the said commission.

SEC. 3. The office of each of the present commissioners of the Board of Railroad Commissioners of this State shall expire on the first day of April, 1891, and to fill the same the Executive Council shall, before the first day of April next, elect a competent person, who shall be a member of said board, and hold his office until the second Monday in January, 1892; the Senate of the State shall, before April 1, 1891, also elect a competent person, who shall be a member of said board, and hold his office until the second Monday in January, 1892; and the House of Representatives of the State shall, before April next, also elect a competent person, who shall be a member of said board, and shall hold his office until the second Monday of January, 1892. At the general election in November, 1891, there shall be elected three commissioners, who, after the second Monday in January, 1892, shall constitute the Board of Railroad Commissioners of this State and shall serve official terms as follows, to wit: One for three years, one for two years, and one for one year, respectively, from the second Monday in January, 1892, and that at the general election every year thereafter there shall be elected a commissioner, who shall be a member of said board, and shall serve for the term of three years from the second Monday in January next succeeding his election, and in case any vacancy occurs in said board at any time, not hereby provided for, the Governor shall appoint a competent person to serve until the next general election and qualification of his successor. The said Board of Commissioners shall have power to appoint a secretary, and remove him at pleasure. No person owning any bonds, stock or property in any railroad company, or who is in the employment, or who is in any way or manner pecuniarily interested in any railroad, shall be eligible to the office of railroad commissioner or secretary of said board. Said railroad commissioners and secretary shall be qualified electors of the State, and shall be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. Each of said commissioners shall enter into bonds, with security to be approved by the Executive Council, in the sum of \$10,000, conditioned for the faithful performance of his duties.

SEC. 4. Said commissioners shall keep their office in the State house, and they or either of them may act officially in any part of the State. They shall receive a salary of three thousand dollars per annum, and the secretary shall receive a salary of one thousand five hundred dollars per annum, to be paid as the salaries of other State officers are paid; and the said board shall be provided, at the expense of the State, with necessary office furniture and stationery.

SEC. 5. For the purpose of this act the State of Kansas is divided into three districts. The first district shall consist of the counties of Nemaha, Jackson, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, and the counties lying east thereof. The second district shall consist of all counties west of said named counties to and including the counties of Smith, Osborne, Russell, Barton, Stafford, Pratt, and Barber. The third district shall include and embrace all counties west of said second district. One of said commissioners shall reside in each of the said districts, but shall be elected by the electors of the entire State.

SEC. 6. The tariff of rates established in the schedules set forth in this act shall be considered the basis on which to compare the compensation for the transportation of merchandise, freight, goods or property over any line of road in this State, unless the same shall be found by said Board of Railroad Commissioners to be unreasonable or unjust, excessive or too low, and shall go into effect and be in force on the first day of July, A. D. 1891. Immediately after the appointment of said commissioners they shall cause to be served upon each company, corporation, transportation or railroad company or carrier engaged in business in the State of Kansas, a copy of the rates established by this act as a basis of maximum charges, and notify the said company in writing of the same by serving a copy thereof on its managing agent in this State, or other principal officer, and shall also notify said company that it will at a time and place to be fixed in said notice, prior to May, 1891, proceed to classify its said road, and will hear and determine any complaint, if any it make, against the enforcement of the rates provided for in the schedule of rates established as a basis of rates by this act, and requiring the said company to appear before it and show cause, if any it may have, why the said prescribed rates of maximum charges should not be put in force as to its business.

SEC. 7. Any railroad company, upon whom said notice provided for in section 6 hereof is served, may appear before said commission at the time and place fixed in said notice given by said commissioner, by its agent or attorney, and show cause, if any, why the said maximum charges for the transportation of property herein provided for should not be enforced against its road, as likewise may any transportation company referred to in this act;

and it shall be the duty of the said commissioners to hear and determine all objections thereto, and if found by them to be unreasonable, unjust, too high or too low, the same shall be by them so adjusted and fixed as to be reasonable and just. It shall be the duty of the Attorney General to also appear before said commission at the time of said hearing, of which time said commission shall give him notice, and resist any increase therein on behalf of the people of the State, and the said commission shall have full power and authority to compel the attendance of witnesses before it on behalf of either party and the production of papers and documents sufficient to enable it to determine the matter according to the right thereof; and if any railroad company, after being served with process of the said commission, shall fail to produce any paper, record, document or other instrument in writing required of it, or its officers or agents, shall fail to answer or report any matter required by said commissioners to be disclosed to enable it to discharge its duty under the provisions of this act, the said company or association shall be deemed to be in contempt, and the said commission may punish the same by establishing a rate of transportation not more than ten per cent. lower than the rate provided for by the terms of this act, or as established by said commission.

SEC. 8. The said commission shall be continuously in session at the capital of the State, or at such other place as it may, upon ten days' published notice in some newspaper published at the point designated for meeting, and shall have full power, upon due notice to any company referred to in this act, and after a hearing, as provided for in this act, and after notice to the Attorney General, to change or alter any rate by either increasing or reducing the same so as to make the rate a just and reasonable rate for the transportation of any commodity or article; and when it shall have established the maximum rate of charges which any company, corporation or association referred to in this act shall charge for the transportation of property or freight, it shall cause notice of the rate so established to be served on the company affected thereby, and the same shall be the maximum rate which the said company or association shall be permitted to charge for the transportation of freight or property over its line of road.

SEC. 9. If any transportation company in the State of Kansas shall fail or refuse to observe the rate prescribed and fixed by the commission or the terms of this act, if unaltered by said commission, and refuse to put the same in force upon its line of road, or shall charge any greater or higher rate, the said company shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than five thousand dollars nor more than ten thousand dollars for each and every violation thereof, to be sued for and recovered in any district court in this State for the use of the school fund of the State; and

the said judgment, if unpaid for thirty days after the final rendition thereof, shall work a forfeiture of the charter of the said company and its right to do business in this State.

SEC. 10. If any company or association referred to in this act shall fail to comply with the rates established as herein provided for, after being notified thereof, for a longer period than ten days, it shall be the duty of the Attorney General of the State to apply at once, upon being notified thereof by any person, to the Supreme Court of the State for a writ of mandamus, in the name of the State of Kansas as plaintiff, to compel the said company to put in force the said rate so established; and if the said company shall fail or neglect to obey any peremptory writ of mandamus issued by said court on such proceedings, the company, or association, or person so offending, shall be punished as for contempt by a fine of not less than five thousand dollars per day for each and every day it persists in such refusal; and judgment shall be entered therefor upon proof of such contempt by said court, and the said fine, when collected, shall be paid into the school fund of the State, as other fines; and in addition thereto it shall be the duty of the said court to appoint a receiver for the said road to take charge thereof, and operate the same in conformity with the said maximum rate so established, until the company so offending shall enter into a good and sufficient bond, in such sum as the court may fix, to observe and comply with the requirements of this act, and the rate so established. In addition to the said judgments hereinbefore in this act provided for, the said courts shall enter against said companies or association referred to in this act, a judgment for all costs incurred, including an attorney's fee of one hundred dollars per day to the Attorney General, or other assistant counsel by him employed, for each day engaged in the enforcement of this act against such defaulting company, which shall be taxed as part of the costs in the case, and shall be in lieu of all other compensation to such attorneys for enforcing this act, except as otherwise provided herein.

SEC. 11. The said board of commissioners shall, on the first Tuesday in July in each year, classify the railroads and transportation companies coming under the provisions of this act, classing all lines of roads owned or operated by any one company according to the average earnings per mile owned or operated by it within this State, for the purpose of fixing the rate to be charged under the provisions of this act; and at the said time any such company may appear before said commission and be heard on the question of the classification of such company, and the said commission shall have full power and authority to hear evidence on the said matter and compel the production of testimony or witnesses as it may deem necessary to fully determine the question of such classification according to the terms of this act; and upon said classification being made, the commission shall have the power to make and

establish such basis of rates for each company or transportation line according to its classification as it may deem just and reasonable: *Provided*, The basis of rates established for roads of any one class shall apply to all other roads belonging to such class, and shall be so established as to give to each road of such class an equal rating with the roads of such class upon its maximum rate of charges. Such maximum rates established by the said commission shall be so adjusted as to prevent and prohibit a greater charge being made for a short haul than a long one; and where any point to which freight shall be shipped is reached by two lines of road, one longer than the other, but both owned or operated by the same company, the rate charged for transportation shall be computed as for the shorter distance, by which the freight might have been transported.

SEC. 12. The said commissioners shall have power at any time, upon complaint made to them in writing by any person of the excessive rate by them established, or may without such complaint if they shall be satisfied that any rate by them established or in force under the provisions of this act, or adopted by any company, is unjust, upon ten days' notice in writing to the company whose rate is affected thereby, and after notice to the Attorney General, proceed to investigate the reasonableness of the rate so complained of or believed to be unjust, and make such reduction therein, or increase, or other change therein as shall seem to them to be just and reasonable; and the order by them made shall go into effect at such time as they may fix, not later than ten days after the establishment thereof, and shall be the rate of maximum charges to be charged by said company under the provisions of this act, subject to all the penalties herein provided for; and its adoption may be compelled in the same manner as provided for the enforcement of other rates under this act.

SEC. 13. It shall be the duty of the said commission to prepare such questions and interrogatories as it may deem necessary to enable it to perform the duties prescribed in this act, and submit the same to the general managing officer of every company doing business in this State, at such time as the said commission may deem proper; and every such company or its agent to whom such questions or interrogatories are propounded shall, under oath if required, within such time as the commission shall fix, being not less than ten days, answer fully and completely all such questions as may be propounded to it under the provisions of this act; and if any such company or its agents shall fail to answer fully any interrogatory to it or them propounded within the time fixed, the Attorney General shall apply, at the request of said commission, to the Supreme Court of the State or any judge thereof, for a writ of mandamus to compel such answer, and if any such company shall fail or neglect to obey any peremptory writ of mandamus issued by the said court under

the provisions of this section, the company shall be deemed in contempt, and may be punished as for contempt in the manner provided in section 10 hereof.

SEC. 14. If any witness or other person served with any subpoena or other process to appear before said commissioners, or to produce any paper or document or other record, shall fail to obey such process or order, he shall be deemed guilty of contempt, and may be punished as a witness in the district court for a like contempt by said commissioners, until a compliance with such order is made. Witnesses shall receive the sum of five cents per mile, to be paid by such person or party, or out of the appropriation herein provided for, as said commission shall order: *Provided*, No such fees shall be payable in advance, nor allowed unless the said commission shall so order.

SEC. 15. The following schedule of rates and classification of freights shall be taken and held to be the classification and schedule of maximum charges of rates under the provisions of this act until the same shall be changed by said commission as provided for in this act:

KANSAS DISTANCE SCHEDULE OF REASONABLE MAXIMUM

<i>Distance in miles.</i>	<i>Merchandise, classes, in cents and fractional hundredths of a cent per 100 lbs.</i>				<i>Car-loads, minimum weight 20,000 lbs., in cents and fractional hundredths of a cent per 100 lbs.</i>					
	<i>First class.</i>	<i>Second class.</i>	<i>Third class.</i>	<i>Fourth class.</i>	<i>Fifth class.</i>	<i>Class A.</i>	<i>Class B.</i>	<i>Class C.</i>	<i>Class D.</i>	<i>Class E.</i>
5 and under.....	13	11	9	7	5	5	5	4.50	4	3
10 and over 5.....	14	12	10	8	6	6	5.50	4.75	4	3
15 and over 10.....	15	13	11	9	6.50	6.50	5.75	5	4.25	3.25
20 and over 15.....	16	13.50	11.50	9.50	7	7	6	5.10	4.50	3.50
25 and over 20.....	17	14	12	10	7.50	7.25	6.25	5.25	4.75	3.75
30 and over 25.....	18	14.50	12.50	10.25	8	7.50	6.40	5.50	5	4
35 and over 30.....	19	15	13	10.50	8.50	7.75	6.50	5.75	5.20	4.10
40 and over 35.....	20	15.50	13.50	11	9	8	7	6	5.40	4.20
45 and over 40.....	21	16	14	11.50	9.50	8.50	7.25	6.25	5.60	4.30
50 and over 45.....	22	16.50	14.50	12	10	9	7.50	6.50	5.80	4.40
55 and over 50.....	23	17	15	12.50	10.50	9.50	7.75	6.75	6	4.50
60 and over 55.....	24	18	15.50	13	11	10	8	7	6.20	4.60
65 and over 60.....	25	19	16	13.50	11.25	10.25	8.20	7.20	6.40	4.70
70 and over 65.....	26	20	16.50	14	11.50	10.50	8.40	7.40	6.50	4.80
75 and over 70.....	27	21	17	14.50	12	11	9	7.60	6.60	4.90
80 and over 75.....	28	22	17.50	15	12.25	11.25	9.25	7.80	6.80	5
85 and over 80.....	29	23	18	15.50	12.50	11.50	9.50	8	7	5.10
90 and over 85.....	30	24	19	16	13	12	9.75	8.20	7.10	5.20
95 and over 90.....	31	25	20	16.50	13.25	12.25	10	8.40	7.20	5.25
100 and over 95.....	32	26	21	17	13.50	12.50	10.25	8.60	7.30	5.30
105 and over 100.....	33	27	22	17.50	13.75	12.75	10.50	8.80	7.40	5.40
110 and over 105.....	34	28	22.50	18	14	13	10.75	9	7.50	5.50
115 and over 110.....	35	29	23	18.50	14.25	13.25	11	9.20	7.60	5.60
120 and over 115.....	36	30	24	19	14.50	13.50	11.25	9.40	7.70	5.70
125 and over 120.....	37	31	25	19.50	14.75	13.75	11.50	9.60	7.80	5.80
130 and over 125.....	38	32	26	20	15	14	11.75	9.80	8	6
135 and over 130.....	39	33	27	20.50	15.50	14.25	12	10	8.25	6.20
140 and over 135.....	40	34	28	21	16	14.50	12.25	10.25	8.40	6.40
145 and over 140.....	41	35	29	21.50	16.50	15	12.50	10.50	8.60	6.60
150 and over 145.....	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
155 and over 150.....	43	37	30	22.50	17.25	15.75	13	11	9	7
160 and over 155.....	44	38	30.50	23	17.50	16	13.25	11.25	9.20	7.20
165 and over 160.....	45	39	31	23.50	17.75	16.25	13.50	11.50	9.40	7.40
170 and over 165.....	46	40	31.50	24	18	16.50	13.75	11.75	9.60	7.60
175 and over 170.....	47	41	32	24.50	18.25	16.75	14	12	9.80	7.80
180 and over 175.....	48	42	32.50	25	18.50	17	14.25	12.25	10	8
185 and over 180.....	49	43	33	25.50	18.75	17.25	14.50	12.50	10.20	8.20
190 and over 185.....	50	44	33.50	26	19	17.50	14.75	12.75	10.40	8.40
195 and over 190.....	51	45	34	26.50	19.25	17.75	15	13	10.60	8.60
200 and over 195.....	52	46	34.50	27	19.50	18	15.25	13.25	10.80	8.80

FREIGHT RATES ON MERCHANDISE AND COMMODITIES.

Distance in miles.	Commodities, car-loads, in cents and fractional hundredths of a cent per 100 lbs., minimum weight 24,000 lbs.							Live stock, car-loads. Car, inside measure, 31 ft. In dollars and cents per car-load.		
	Hard and soft lumber, shingles, sash, doors, blinds, and moldings, and fence posts.....	Cement, stucco, lime, plaster, and salt, in sacks, barrels, or bulk.....	Common brick, sand, gravel, common clay, building stone, stone flagging, or crushed stone.....	Soft coal, lump or nut.....	Soft coal, slack or pea.....	Wheat, flour, oat meal, flax seed, hemp seed, castor beans, and millet seed.....	Corn, oats, rye, barley, sorghum seed, corn meal, bran, grain screenings, chop feed, mill feed and mill stuffs.....	Horses and mules.....	Cattle and hogs.....	Sheep—single-deck car....
5 and under....	3.50	3.25	2.50	2	1.60	4	3.50	10.00	8.00	7.00
10 and over 5	3.75	3.50	2.75	2.20	1.76	4.50	4	11.00	9.00	8.00
15 and over 10	4	3.75	3	2.40	1.92	5	4.25	12.00	10.00	8.50
20 and over 15	4.25	4	3.10	2.60	2.08	5.25	4.50	13.00	11.00	9.00
25 and over 20	4.50	4.20	3.20	2.80	2.24	5.50	4.75	14.00	12.00	9.50
30 and over 25	4.75	4.40	3.30	3	2.40	5.75	5	15.00	13.00	10.00
35 and over 30	5	4.60	3.40	3.15	2.52	6	5.20	16.00	14.00	10.50
40 and over 35	5.20	4.80	3.50	3.30	2.64	6.25	5.40	17.00	14.75	11.00
45 and over 40	5.40	5	3.60	3.45	2.76	6.50	5.60	18.00	15.50	11.50
50 and over 45	5.60	5.20	3.70	3.60	2.88	6.75	5.80	19.00	16.25	12.00
55 and over 50	5.80	5.40	3.80	3.75	3	7	6	20.00	17.00	12.50
60 and over 55	6	5.60	3.90	3.90	3.12	7.20	6.15	21.00	17.75	13.00
65 and over 60	6.20	5.80	4	4.05	3.24	7.40	6.30	22.00	18.50	13.50
70 and over 65	6.40	6	4.10	4.20	3.36	7.60	6.40	22.75	19.25	14.00
75 and over 70	6.60	6.15	4.20	4.35	3.48	7.80	6.50	23.50	20.00	14.50
80 and over 75	6.80	6.30	4.30	4.50	3.60	8	6.70	24.25	20.50	15.00
85 and over 80	7	6.45	4.40	4.65	3.72	8.20	6.80	25.00	21.00	15.50
90 and over 85	7.15	6.60	4.50	4.80	3.84	8.40	6.90	25.75	21.50	16.00
95 and over 90	7.30	6.75	4.60	4.95	3.96	8.60	7	26.50	22.00	16.50
100 and over 95	7.45	6.90	4.70	5.10	4.08	8.80	7.10	27.25	22.50	17.00
105 and over 100	7.60	7	4.80	5.20	4.16	9	7.20	28.00	23.00	17.25
110 and over 105	7.75	7.15	4.90	5.30	4.24	9.20	7.30	28.50	23.50	17.50
115 and over 110	7.90	7.30	5	5.40	4.32	9.40	7.40	29.00	24.00	17.75
120 and over 115	8	7.45	5.10	5.50	4.40	9.60	7.50	29.50	24.50	18.00
125 and over 120	8.15	7.60	5.20	5.60	4.48	9.80	7.60	30.00	25.00	18.25
130 and over 125	8.30	7.75	5.30	5.70	4.56	10	7.70	30.50	25.50	18.50
135 and over 130	8.45	7.90	5.40	5.80	4.64	10.20	7.80	31.00	26.00	18.75
140 and over 135	8.60	8	5.50	5.90	4.72	10.40	7.90	31.50	26.50	19.00
145 and over 140	8.75	8.15	5.60	6	4.80	10.60	8	32.00	27.00	19.25
150 and over 145	8.90	8.30	5.70	6.10	4.88	10.80	8.10	32.50	27.50	19.50
155 and over 150	9	8.45	5.80	6.20	4.96	11	8.20	33.00	28.00	19.75
160 and over 155	9.15	8.60	5.90	6.30	5.04	11.10	8.30	33.50	28.50	20.00
165 and over 160	9.30	8.75	6	6.40	5.12	11.20	8.40	34.00	29.00	20.25
170 and over 165	9.45	8.90	6.10	6.50	5.20	11.30	8.50	34.50	29.50	20.50
175 and over 170	9.60	9	6.20	6.60	5.28	11.40	8.60	35.00	30.00	20.75
180 and over 175	9.75	9.10	6.30	6.70	5.36	11.50	8.70	35.50	30.25	21.00
185 and over 180	9.90	9.20	6.40	6.80	5.44	11.60	8.80	36.00	30.50	21.25
190 and over 185	10	9.30	6.50	6.90	5.52	11.70	8.90	36.50	31.00	21.50
195 and over 190	10.15	9.40	6.60	7	5.60	11.80	9	37.00	31.25	21.75
200 and over 195	10.30	9.50	6.70	7.10	5.68	11.90	9.10	37.50	31.50	22.00

KANSAS DISTANCE SCHEDULE OF REASONABLE MAXIMUM

<i>Distance in miles.</i>	<i>Merchandise, classes, in cents and fractional hundredths of a cent per 100 lbs.</i>				<i>Car-loads, minimum weight 20,000 lbs., in cents and fractional hundredths of a cent per 100 lbs.</i>					
	<i>First class.....</i>	<i>Second class.....</i>	<i>Third class.....</i>	<i>Fourth class.....</i>	<i>Fifth class.....</i>	<i>Class A.....</i>	<i>Class B.....</i>	<i>Class C.....</i>	<i>Class D.....</i>	<i>Class E.....</i>
210 and over 200.....	54	47	35	28	20	18.50	15.75	13.75	11.20	9.20
220 and over 210.....	56	48	36	28.50	20.50	19	16.25	14.20	11.60	9.60
230 and over 220.....	58	49	37	29	21	19.50	16.75	14.60	12	10
240 and over 230.....	60	50	38	29.50	21.50	20	17	15	12.40	10.40
250 and over 240.....	62	51	39	30	22	20.50	17.50	15.40	12.80	10.80
260 and over 250.....	64	52	40	30.50	22.50	21	18	15.80	13.20	11.20
270 and over 260.....	66	53	41	31	23	21.50	18.50	16.20	13.60	11.60
280 and over 270.....	68	54	42	31.50	23.50	22	19	16.60	14	12
290 and over 280.....	69	55	43	32	24	22.50	19.50	17	14.40	12.40
300 and over 290.....	70	56	44	32.50	24.50	23	20	17.40	14.80	12.80
310 and over 300.....	71	57	45	33	25	23.50	20.50	17.80	15.20	13.20
320 and over 310.....	72	58	46	33.50	25.50	24	21	18.20	15.60	13.60
330 and over 320.....	73	59	47	34	26	24.50	21.50	18.60	16	14
340 and over 330.....	74	60	48	34.50	26.50	25	22	19	16.40	14.40
350 and over 340.....	75	61	49	35	27	25.50	22.50	19.40	16.80	14.80
360 and over 350.....	76	62	50	35.50	27.50	26	23	19.80	17.20	15.20
370 and over 360.....	77	63	51	36	28	26.50	23.50	20.20	17.60	15.60
380 and over 370.....	78	64	52	36.50	28.50	27	24	20.60	18	16
390 and over 380.....	79	65	53	37	29	27.50	24.50	21	18.40	16.40
400 and over 390.....	80	66	54	37.50	29.50	28	25	21.40	18.80	16.80
410 and over 400.....	81	67	55	38	30	28.50	25.50	21.80	19.20	17.20
420 and over 410.....	82	68	56	38.50	30.50	29	26	22.20	19.60	17.60
430 and over 420.....	83	69	57	39	31	29.50	26.50	22.60	20	18
440 and over 430.....	84	70	58	39.50	31.50	30	27	23	20.40	18.40
450 and over 440.....	85	71	59	40	32	30.50	27.50	23.40	20.80	18.80
460 and over 450.....	86	72	60	40.50	32.50	31	28	23.80	21.20	19.20
470 and over 460.....	87	73	61	41	33	31.50	28.50	24.20	21.60	19.60
480 and over 470.....	88	74	62	41.50	33.50	32	29	24.60	22	20
490 and over 480.....	89	75	63	42	34	32.50	29.50	25	22.40	20.50
500 and over 490.....	90	76	64	42.50	34.50	33	30	25.40	22.80	21

FREIGHT RATES ON MERCHANDISE AND COMMODITIES—CONCLUDED.

Distance in miles.	Commodities, car-loads, in cents and fractional hundredths of a cent per 100 lbs., minimum weight 24,000 lbs.							Live stock, car loads. Car, inside measure, 31 feet. In dollars and cents per car-load.		
	Hard and soft lumber, laths, shingles, sash, doors, blinds, and mouldings, and fence posts.....	Cement, stucco, lime, plaster, and salt, in sacks, barrels, or bulk.....	Common brick, sand, gravel, common clay, building stone, stone flagging, or crushed stone.....	Soft coal, lump or nut.....	Soft coal, slack or pea.....	Wheat, flour, oat meal, flax seed, hemp seed, castor beans, and millet seed.....	Corn, oats, rye, barley, sorghum seed, corn meal, bran, grain screenings, chop feed, mill feed, and mill stuffs.....	Horses and mules.....	Cattle and hogs.....	Sheep—single-deck car.....
210 and over 200	10.50	9.70	6.90	7.30	5.80	12.10	9.30	38.00	32.00	22.50
220 and over 210	10.70	9.90	7.10	7.50	6	12.30	9.50	38.50	32.50	23.00
230 and over 220	10.90	10	7.30	7.70	6.16	12.50	9.70	39.00	33.00	23.50
240 and over 230	11.10	10.20	7.50	7.90	6.32	12.70	9.90	39.50	33.50	24.00
250 and over 240	11.30	10.40	7.70	8.10	6.48	12.90	10.10	40.00	34.00	24.50
260 and over 250	11.50	10.60	7.90	8.30	6.64	13.10	10.30	40.50	34.50	25.00
270 and over 260	11.70	10.80	8.10	8.50	6.80	13.30	10.50	41.00	35.00	25.50
280 and over 270	11.90	11	8.30	8.70	6.96	13.50	10.70	41.50	35.50	26.00
290 and over 280	12	11.20	8.50	8.90	7.12	13.70	10.90	42.00	36.00	26.50
300 and over 290	12.20	11.40	8.70	9.10	7.28	13.90	11.10	42.50	36.50	27.00
310 and over 300	12.40	11.60	8.90	9.30	7.44	14.10	11.30	43.00	37.00	27.25
320 and over 310	12.60	11.80	9.10	9.50	7.60	14.30	11.50	43.50	37.50	27.50
330 and over 320	12.80	12	9.30	9.70	7.76	14.50	11.70	44.00	38.00	27.75
340 and over 330	13	12.20	9.50	9.90	7.92	14.70	11.90	44.50	38.50	28.00
350 and over 340	13.20	12.40	9.70	10.10	8.08	14.90	12	45.00	39.00	28.25
360 and over 350	13.40	12.60	9.90	10.30	8.24	15.10	12.20	45.50	39.50	28.50
370 and over 360	13.60	12.80	10.10	10.50	8.40	15.30	12.40	46.00	40.00	28.75
380 and over 370	13.80	13	10.30	10.70	8.56	15.50	12.60	46.50	40.50	29.00
390 and over 380	14	13.20	10.50	10.90	8.72	15.70	12.80	47.00	41.00	29.25
400 and over 390	14.20	13.40	10.70	11	8.80	15.90	13	47.50	41.50	29.50
410 and over 400	14.40	13.60	10.90	11.10	8.88	16.10	13.20	48.00	42.00	29.75
420 and over 410	14.60	13.80	11.10	11.20	8.96	16.30	13.40	48.50	42.50	30.00
430 and over 420	14.80	14	11.30	11.30	9.04	16.50	13.60	49.00	43.00	30.25
440 and over 430	15	14.20	11.50	11.40	9.12	16.70	13.80	49.50	43.50	30.50
450 and over 440	15.20	14.40	11.70	11.50	9.20	16.90	14	50.00	44.00	30.75
460 and over 450	15.40	14.60	11.90	11.60	9.28	17.10	14.20	50.50	44.50	31.00
470 and over 460	15.60	14.80	12.10	11.70	9.36	17.30	14.40	51.00	45.00	31.25
480 and over 470	15.80	15	12.30	11.80	9.44	17.50	14.60	51.50	45.50	31.50
490 and over 480	16	15.20	12.50	11.90	9.52	17.70	14.80	52.00	46.00	31.75
500 and over 490	16.20	15.40	12.70	12	9.60	17.90	15	52.50	46.50	32.00

[Western classification No. 10, in effect on all railroads operated in Kansas July 15th, 1890, followed the foregoing schedule and was adopted as amended by section 16 and made the legal classification of Kansas. Its publication here is omitted for want of space.]

SEC. 16. In construing the foregoing schedule of maximum rates, when the rate for the exact distance is not shown therein, the rate to the nearest point or distance stated in the said schedule will prevail, and shall be held to apply. In the construction of the said classification of freights, the figures 1, 2, 3, 4 and 5, given opposite each article, shall be construed to mean first, second, third, fourth and fifth class respectively; and 1 & $\frac{1}{2}$ for one and one-half first class, D 1 for double first class, 3 t for three times first class, 4 t 1 for four times first class, O. R. for owner's risk, C. R. for carrier's risk, S. U. for set up, K. D. for knocked down, C. L. for car-load, L. C. L. for less than car-load, A, B, C, D and E as referring to the table of maximum rates and classes therein referred to. Articles not enumerated shall be classed with analogous articles. Flour, corn meal, bran, and millstuffs, in sacks or barrels, shipped at owner's risk of wet or waste, in lots of ten thousand pounds but less than car-loads, shall be taken at one and one-fifth of the car-load rate provided for flour; in lots of two thousand pounds but less than ten thousand pounds, shall be taken at one and two-fifths of the car-load rate. Cement, lime, stucco, plaster, and salt, in sacks or barrels, in lots of five thousand pounds or over but less than car-loads, shall be taken at one and two-fifths of the car-load rate on cement. Lumber rate covers straight or mixed car-loads of hard or soft lumber, laths, shingles, doors, sash (if glazed released), blinds, and mouldings. Hard coal or coke shall be taken in car-loads at a rate not exceeding twenty per cent. higher than the rate provided for soft coal in car-loads. Hay, baled, in car-loads, minimum weight sixteen thousand pounds, shall be taken at class E rate. Green apples, car-loads, in barrels, sacks, or bulk, shall be taken at class B rate. Potatoes, car-loads, in barrels, sacks, or bulk, shall be taken at class D rate. Rock salt shall be taken in car-loads at the same rates provided for soft coal in car-loads.

SEC. 17. No common carrier, railroad corporation or transportation company, which shall belong to class B road, under the provisions of this act, and which shall be classified as belonging to class B of this act, shall be permitted or allowed to charge more than the rate set forth in the foregoing schedule of rates, nor adopt or use a different classification of freights than that adopted in the foregoing schedule of maximum rates and classifications, unless it shall be ascertained, upon the hearing provided for herein before the said Board of Commissioners, that the same is not a just and reasonable rate and classification; but the said rate and classification, if after said hearing before said commissioners as provided for in this act be found just and reasonable and

shall not be changed by them, shall be the maximum rate of charges as provided in this act for all roads classed as B, by said commissioners, on and after July 1st, 1891; and all such companies, corporations, carriers, or transportation lines are prohibited from charging any greater or higher rate than allowed by this act and designated in said schedules. All railway corporations, common carriers, or transportation companies, referred to in this act and classified as belonging to class A by said commissioners, shall be allowed to charge ninety per cent. of the said rate so fixed and allowed to be charged by roads belonging to class B, unless otherwise determined by said commissioners as provided in reference to said companies or roads of class B; and all railway or transportation lines, corporations or companies, herein referred to and classed under the provisions of this act as class C roads, shall not charge or receive more than ten per cent. in addition to said schedule maximum rates, unless otherwise determined by said commission as provided in reference to roads belonging to said class B.

SEC. 18. If any company, corporation or association referred to in this act fail to observe or refuse to comply with any of the provisions hereof, or refuse to obey any order of the said railway commissioners, made under the authority of this act, it shall be the duty of the Attorney General to institute, at the request of the said commissioners, or of the Governor of the State, an action in behalf of the State of Kansas and in its name, to compel obedience thereto and observance thereof, and no bond for cost or other bond shall be required of the State in any such proceedings. The said Attorney General may also employ, by and with the consent of the said commissioners, assistant attorneys, to carry on any action brought under this act, or to test the validity thereof: *Provided*, The compensation to be paid therefor shall be first agreed upon, and there be sufficient funds appropriated under this act unexpended to pay for such services.

SEC. 19. The said Board of Railroad Commissioners shall, on August first in each year, publish the reasonable maximum rates and classifications in force in this State under the provisions of this act as applied and in force in this State, showing the roads to which the same is applied and their classification, and shall furnish ten copies thereof certified to by the chairman of said commission under the seal thereof to the county clerk of each county in this State, two copies of which at least shall be preserved by said clerk in his office, open for public inspection during his office hours. The said certified copies shall be evidence in any court in this State upon the trial of any action, civil or criminal, of the truth of the matters therein stated and the rates and classifications therein fixed. It shall also be the duty of each railroad or transportation company coming under the provisions of this act to keep in each of its depots and freight offices a printed copy of its schedules of maximum rates

and classification of freights in use and enforced by it, which shall be open to public inspection; and it is further made the duty of the county attorney and sheriff in each county in this State through which any such railroad runs or is operated, to compare its published rates as posted under this act on the first Monday in September and March of each year, and to certify to said commissioners whether the same conform to the said rates furnished said county clerk, whether or not the rates provided for in this act are observed by said companies, and if not, in what respect the same is violated, and report the names and residences of all witnesses by whom such violation can be proven. Any sheriff or county attorney failing to make such examination and report shall be liable to be removed from office upon conviction thereof in any court of record, and it is hereby made the duty of the Attorney General to see that this section of this act is observed and enforced.

SEC. 20. It shall be the duty of every railroad corporation or company in this State to furnish reasonable facilities for loading and unloading freight offered to it for transportation and reasonable storage therefor, and such companies shall, upon demand of any shipper, and within a reasonable time after being demanded, furnish cars sufficient to transport all freight offered for shipment. The said Board of Commissioners shall have full power, upon application made to them, to compel every such company to comply with the provisions of this section, and any company failing to obey any order made in reference thereto by said commissioners after notice and hearing thereof, shall be liable to any person injured thereby in double the damages by him sustained, and in any such action, the court shall tax as part of the cost a reasonable attorney's fee in favor of the plaintiff, and the further sum of fifty dollars as exemplary damages, to be collected by execution as in other cases.

SEC. 21. There is hereby appropriated, out of any funds in the State treasury not otherwise appropriated, the sum of fifty thousand dollars or so much thereof as may be needed, to pay the salaries of the said commissioners and meet the requirements of this act, until the first day of June, 1893: *Provided*, That none of said moneys shall be drawn or paid except upon the vouchers of said commissioners, attested by the Governor, stating what the same is for; and the said commissioners shall keep an accurate and detailed account of all moneys drawn from such treasury, and for what expended, and showing the amount of appropriation on hand unexpended, and shall report the same to the Legislature of this State at its regular sessions every two years.

SEC. 22. The said commissioners shall also report to the said Legislature, briefly, its action and any legislation it deems needed to secure reasonable and fair rates of transportation. The said report shall also show the number of miles of each line of road in the State, the total number of miles, the actual

cost of construction per mile of each line of road in this State, the amount of stock issued by each company, the average amount per mile in Kansas, or proportioned to the miles in this State; the items of equipment of such road and the cost and value thereof; the bonded indebtedness of each road, and its average per mile in Kansas; the amount of aid received by each company or road from the General Government and its value, and the amount realized therefrom, and the average of such aid per mile; the amount of local or municipal aid received by each road, and its average per mile; the officers and address of each; when each road was constructed, when begun, when completed; the amount in pounds and tons of freight shipped or loaded at each station in Kansas annually for the two preceding years, and the freight charged for the shipment thereof; the number of cars of wheat, corn, cattle, hogs, oats, live stock, salt, coal, and the number of cars of freight, and tons or pounds thereof unloaded in this State at its stations during said time, and the amount collected therefor, without reference to whether said freight was shipped from points within this State to points without the State, or from points without to points within the State, or between points in the State, and showing the amount charged therefor on all such freight. Such report shall also show the number of persons employed by each company, and the grade of employment, the amount paid for such employment, the amount paid for material in repairing its road and machinery, the actual cost of operating such road during the year, and the cost of transporting freight per ton per mile to such companies; the amount paid by each road in taxes, dividends, interest upon bonds, and operating expenses, and such other matters as it deems for the information of the Legislature in reference to such roads. It shall be the duty of each company, or its agents, officers or employes, coming under the provisions of this act, to answer, under oath if required, all such questions as may be propounded, to enable said commissioners to report the said matters herein required. And it shall be the duty of the president, auditor, general traffic manager, general freight agent, or assistants; general passenger agent, or assistant; the traveling freight or passenger agents, the commercial freight agents, the local freight or ticket agents; the master mechanic, or his assistant; the roadmaster, or his assistants; the chief surgeon, or his assistant; or the chief clerk, or any clerk of the president, or any of the several departments above enumerated of any railroad company engaged in transporting freight or passengers to or from any station to any other station on its line of railroad in the State of Kansas, to furnish to the Railroad Commissioners of the State of Kansas, when requested in writing, any information relating to the cost of operating said railroad, or the cost of operating any of the several departments, together with the tonnage of freight received at or forwarded from any or all stations on said line of railroad in the State of Kansas, with

earnings accruing from freight received, tickets sold or freight forwarded from said stations. Any persons failing to furnish such information when required shall be subject to a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for not less than one year nor more than five, or both, in the discretion of the court.

SEC. 23. In any action brought under the provisions of this act, in any court within this State, or in any action brought to test the validity thereof, it shall be the duty of the Attorney General to bring the matter to a speedy and early hearing, and the matter being deemed one of public importance, the court before whom such action is pending shall, upon its own motion or the motion of any party thereto, advance the said proceedings or action upon the docket of the said court, giving the same preference over all other actions in the order of hearing, except criminal causes; and it shall be the duty of the Chief Justice of the Supreme Court of this State, in any such proceedings pending in said court, to cause such advancement and hearing of said action to be had as to bring the same to a speedy hearing and judgment.

SEC. 24. The said Board of Railroad Commissioners shall have full power and authority to prescribe and fix, after notice and hearing as provided for in this act, the compensation to be charged by any railroad company for switching any car or doing or performing any other act by it done in the transportation, shipment, loading, unloading or storage of freight, limiting such charges to a reasonable and proper charge therefor.

SEC. 25. The said commissioners may also employ one clerk and one stenographer at a salary of not more than one thousand dollars per annum, to be paid out of the appropriation hereby made, and shall provide itself with a seal, on which shall be engraved the words: "Seal of the State Board of Railroad Commissioners of Kansas;" and all process or orders by it made shall be authenticated therewith.

SEC. 26. This act, being deemed of immediate importance, shall go into effect on and after its publication in the

TRANSPORTATION.

The members of the Legislature elected by the People's Party in November, 1890, were pledged to enact only such laws as would afford equal and exact justice to all—special privileges to none. The People's legislators recognized the unprecedented changes that have occurred during the past thirty years. The invention and perfection of machinery which has displaced manual labor has been wonderful, and this has worked economic changes not dreamed of in the past. The ease and (when compared with the methods in

use in Kansas thirty years ago) the cheapness of transportation are among the wonderful feats accomplished in the last quarter of a century. Looking back to the territorial days of Kansas, we find, in 1857-58, Messrs. Russell & Waddell transporting Government supplies in wagons drawn by oxen from Ft. Leavenworth to Salt Lake City. Two years later, the discovery of gold in Colorado induced large numbers to emigrate to the new gold fields. The nearest point at which supplies could be obtained was the Missouri River, and all merchandise required by the immigrant in Colorado had to be transported in wagons. To make the trip from the Missouri River to Colorado and return with an ox team required one hundred days; with a mule team the round trip could be made in sixty days. This saving in time and labor caused freighters to substitute mules in place of oxen, although the cost of the latter was more than double the price of an ox team. Nevertheless the money saved in wages more than compensated for the additional investment in mules.

COMPARISON.—We compare the cost of labor in freighting by wagon in 1860-66 with the cost of labor in transportation by railroad in 1890. To illustrate: B, a freighter, contracts with C, a merchant, to transport during the year—say 1865—5,000,000 pounds of merchandise from the Missouri River to Denver, Colorado; B has 250 mule teams; he employs 250 teamsters, the wages of teamsters average \$40 per month, or \$480 per annum; B loads in each wagon 3,350 pounds of merchandise, or 837,500 pounds in 250 wagons; during the year he makes six trips to Denver with his mule train; he delivers the 5,000,000 pounds of merchandise agreeable to his contract; he pays for labor—

Wages of 250 teamsters (1860-66) one year each, at \$480 per annum.....	\$120,000
---	-----------

The average number of loaded cars hauled by the Union Pacific Railroad (Report of Kansas R. R. Com., 1890, p. 319) in each freight train is twenty; the average tonnage in each loaded car is 21,000 pounds, or 420,000 in each freight train; therefore, twelve trains would haul 5,040,000 pounds. To run twelve trains from Kansas City to Denver, distance 639 miles (twelve times 639 are 7,668 miles), the railroad company pays—

Wages of locomotive engineer, miles run.....	\$268	
Wages of locomotive fireman, miles run.....	153	
Wages of conductor, miles run.....	191	
Wages of two brakemen, miles run.....	230	842

Total amount saved in wages over the old method.....	\$119,158
--	-----------

Thus we find, where one dollar was paid to labor engaged in transportation in 1865, to-day labor only receives seven mills; but let us look at it by days' work, viz.:

1865, paid 250 teamsters' wages (one year), 365 days each.....	91,250 days.
1890, paid train crew of five men, wages 38 days each.....	190 days.

Total number of days' labor saved.....	90,060
--	--------

In other words, where 480 days' labor were required in 1865 to transport by the old method, a stated number of pounds, to-day (1890), by the aid of ma-

chinery, one man in one day will transport the same number of pounds. But the question considered by the People's Party was—

REASONABLE RATES.—Are the rates charged the citizens of Kansas reasonable and just? Have railroad companies kept pace with the improvement of machinery? What are their profits, under the rates now charged? The following tables have been prepared without bias, prejudice, fear, or favor; the object sought has been facts, to enable the People's legislators to carry out in good faith the mission for which they were elected. The information set forth in tabulated form will, we trust, be beneficial to all concerned. We think it fully justifies the People's legislators in their effort to reduce transportation taxes imposed on the people of Kansas by a foreign syndicate of bondholders, whose ideas of government are preëminently anarchical. They have representatives in Kansas who ignore the American theory of government entirely. These representatives of the foreign syndicate are organized. Their organization in Kansas is known as the Trans-Missouri Railway Association. There are, in the United States, sixty-eight similar associations. The principle governing said associations is, possibly, best described as anarchical-communistic—the syndicate, the head of the association, being anarchical;* while the associations in their dealings with one another are communistic.† In their dealings with the people, the latter have neither laws nor rights which these associations respect. But we submit the tables of comparison, etc.:

* Without rule or government; anarchic despotism.—See Webster. † Webster says communism is "the doctrine of a community of property, or the negation of individual rights in property."

TABLE I—Showing the location, by States or Territories, and the total mileage owned or operated by the railroad companies name as given in the Report of the Board of Railroad Commissioners of Kansas for the year ending June 30, 1890.

LOCATION OF MILEAGE REPORTED.		Total mileage operated.....	
Name of railroad company.			
1	Atchison, Topeka & Santa Fé.....	420	294
2	Chicago, Kansas & Nebraska ¹	377	20
3	Chicago, Burlington & Quincy.....	361	299
4	Central Branch Union Pacific.....	59	119
5	Junction City & Ft. Kearney, U. P.....	.....	.....
6	Kansas City, Ft. Scott & Memphis.....	.....	.....
7	Kansas City, Clinton & Springfield.....	.....	.....
8	Missouri, Kansas & Texas.....	151	143
9	Missouri Pacific.....	.....	270
10	Omaha & Republican Valley, U. P.....	.....	151
11	St. Joseph & Grand Island, U. P.....	.....	249
12	St. Louis & San Francisco.....	.....	839
13	Solomon, Union Pacific.....	.....	.....
14	The Wichita & Western.....	.....	.....
15	Union Pacific, Lincoln & Colorado.....	.....	.....
16	Union Pacific.....	432	4
	Totals.....	432	26,100
		432	780
		525	2,498
		794	304
		794	692
		525	1,514
		772	8,295
		562	468
		83	.....
		831	.....
		562	.....
		759	.....
		49	.....
		3,881	.....
		1,514	.....
		692	.....
		304	.....
		2,498	.....
		780	.....
		1,497	.....
		26,100	.....

RECAPITULATION.

Mileage west of the west line of Kansas.....	6,590
Mileage in Kansas, Nebraska and Dakotas.....	12,225
Mileage in Arkansas, Missouri and Iowa west of Mississippi river.....	3,582
Mileage in Texas and Indian Territory southwest of Kansas.....	2,206
Mileage in Illinois east of the Mississippi river.....	1,497
Total.....	26,100

¹ Report of the C. K. & N. Division of the C. R. I. & P. Railway for 1889.

TABLE I-A—Showing the location by States or Territories, and the total mileage owned or operated by the railroad companies named, as given in the Report of the Board of Railroad Commissioners of the State of Iowa for the year ending June 30, 1889.

LOCATION OF MILEAGE REPORTED.		Total mileage operated.....
<i>Name of railroad company.</i>		
17 Burlington, Cedar Rapids & Northern.....	Colorado	1,046
18 Central Iowa.....	Wyoming.....	513
19 Chicago, Burlington & Quincy.....	Dakotas.....	4,859
20 Chicago, Milwaukee & St. Paul.....	Nebraska	5,878
21 Chicago & Northwestern.....	Kansas.....	4,254
22 Chicago, Rock Island & Pacific.....	Minnesota	3,257
23 Chicago, Santa Fé & California.....	Iowa	516
24 Chicago, St. Paul & Kansas City	Missouri.....	830
25 Chicago, St. Paul, Minneapolis & Omaha,	Wisconsin	1,389
26 Dubuque & Sioux City.....	Michigan.....	599
27 Kansas City, St. Joe & Council Bluffs ..	Illinois.....	315
28 Keokuk & Western.....	Indiana.....	148
29 Minneapolis & St. Louis.....		368
30 Omaha & St. Louis.....		145
31 Sioux City & Pacific.....		107
32 Wabash Western.....		1,002
Totals.....		25,026

RECAPITULATION.

Mileage west of the west line of Kansas.....	725
Mileage in Kansas, Nebraska and Dakotas.....	6,138
Mileage in Minnesota, Iowa and Missouri west of Mississippi river.....	11,692
Mileage in Wisconsin, Michigan, Illinois and Indiana west of the Mississippi river.....	6,471
Total.....	25,026

TABLE II.—Showing the freight earnings and operating expenses chargeable to freight traffic, with net balances, of the several railroads named, the mileage covered being the same as given in preceding Table I, as shown in the Annual Report of the Board of Railroad Commissioners of the State of Kansas for the year ending June 30, 1890.

Name of railroad company.	Commissioners' Report, page.....	Total freight earnings. In dollars.	OPERATING EXPENSES CHARGEABLE TO FREIGHT TRAFFIC.					PROFITS.	
			Maintenance of way and structures. In dollars.	Maintenance of equipments. In dollars.	Conducting transportation. In dollars.	General expenses. In dollars.	Total operating expenses. In dollars.	Per centum.....	Balance to bondholders and manipulators. In dollars.
1 A. T. & S. F.	341	115,366,734	1,897,879	1,391,611	4,266,533	1,164,553	8,720,576	76	6,646,158
2 C. K. & N. ²	286	2,076,482	332,776	291,359	549,835	67,872	1,241,842	76	834,640
3 C. B. & Q.	188	19,713,337	2,279,142	2,005,724	5,891,560	1,131,738	11,308,164	74	8,405,173
4 Cen. Br. U. P.	299	857,276	117,554	74,328	289,000	42,097	522,979	64	334,297
5 J. C. & Ft. K.	256	162,843	24,574	14,984	36,045	2,214	77,817	109	84,526
6 K. C. Ft. S. & M.	158	3,787,963	579,396	464,902	1,073,441	261,091	2,378,830	59	1,409,133
7 K. C. C. & S.	169	240,716	43,152	19,680	47,510	3,642	113,984	111	126,732
8 M. K. & T.	203	6,322,892	1,376,745	722,015	2,789,908	272,521	5,161,189	22	1,161,703
9 Mo. Pac.	216	9,452,125	1,384,259	1,081,009	3,684,808	391,630	6,541,702	44	2,910,423
10 O. & R. V.	248	869,604	109,121	101,904	277,546	52,753	541,324	61	328,280
11 St. J. & G. I.	290	1,019,926	85,797	77,708	251,329	40,065	454,899	124	565,027
12 St. L. & S. F.	327	4,866,685	515,671	407,337	1,214,144	269,514	2,406,666	102	2,460,019
13 Solomon, U. P. Br.	270	126,603	7,566	5,322	15,975	1,239	30,099	321	96,504
14 The W. & W.	353	77,037	9,294	1,934	27,411	3,342	41,981	83	35,056
15 U. P. L. & C.	282	143,032	16,379	11,518	32,871	3,212	63,980	124	79,052
16 U. P.	311	15,161,965	1,260,613	1,871,742	3,933,090	609,256	7,674,701	99	7,487,264
Totals.....	.....	80,244,720	10,039,918	8,543,077	24,380,999	4,316,739	47,280,733	.....	32,963,987

¹ In making the foregoing compilation, we have taken the gross freight earnings, while we have *not* allowed railroad companies credits for amounts paid in "rebates," "drawbacks," etc., under the general caption of deductions, overcharges, or repayments to shippers, because said amounts are illegally paid. In order that the reader may fully understand: The gross freight earnings of the Atchison, Topeka & Santa Fé Railroad Company were as above stated, but said company takes credit for "overcharges to shipper," \$141,270; other repayments, \$208,309; total, \$349,578.

² Chicago, Kansas & Nebraska Railroad, report of 1889.

TABLE II-A—Showing the freight earnings and operating expenses chargeable to freight traffic, with net balances, of the several railroads named, the mileage covered being the same as given in preceding Table I-A, as shown in the Annual Report of the Board of Railroad Commissioners of the State of Iowa for the year ending June 30, 1889.

Name of railroad company.	Commissioners' Report, page.....	Total freight earnings. In dollars.	OPERATING EXPENSES CHARGEABLE TO FREIGHT TRAFFIC.					PROFITS.	
			Maintenance of way and structures. In dollars.	Maintenance of equipments. In dollars.	Conducting transportation. In dollars.	General expenses. In dollars.	Total operating expenses. In dollars.	Per centum.....	Balance to bondholders and manipulators. In dollars.
17 B. C. R. & N.....	107	2,018,815	399,731	172,674	588,244	79,113	1,239,762	3 63	779,053
18 Central Iowa.....	140	1,125,977	260,287	133,889	368,619	65,854	828,649	36	297,328
19 C. B. & Q.....	858	17,237,040	2,106,852	1,867,938	5,574,561	1,112,025	10,661,376	62	6,575,664
20 C. M. & St. P.....	198	17,589,308	1,920,690	1,734,254	6,073,472	778,730	10,507,146	67	7,082,162
21 C. & N. W.....	278	18,402,375	2,053,205	1,756,014	5,615,205	797,506	10,221,930	80	8,180,445
22 C. R. I. & P.....	168	8,773,828	1,278,002	947,783	2,988,122	653,655	5,867,562	50	2,906,266
23 C. S. F. & C.....	386	2,380,403	233,201	307,696	930,903	150,453	1,822,253	46	758,150
24 C. St. P. & K. C.....	321	1,906,704	152,414	116,868	811,346	185,690	1,266,318	50	640,386
25 C. S. P. M. & O.....	640	4,441,157	662,390	353,915	1,278,427	211,290	2,506,022	77	1,935,135
26 D. & S. C.....	354	1,221,457	201,935	126,071	431,338	102,896	862,240	41	359,217
27 K. C. St. J. & C. B.....	436	1,034,848	210,885	99,375	377,300	71,249	688,809	50	346,039
28 K. & W. ¹	461	336,313	78,694	33,457	102,716	35,163	250,030	34	86,283
29 M. & St. L.....	480	951,760	189,906	88,506	199,049	50,887	528,348	80	423,412
30 O. & St. L.....	555	330,496	29,660	30,666	142,990	25,566	228,882	44	101,614
31 S. C. & P.....	609	272,227	28,300	21,955	96,478	10,397	157,130	73	115,097
32 Wab. W.....	702	3,941,849	662,391	464,969	1,638,157	202,170	2,967,687	33	974,162
Totals.....	.....	81,964,557	10,398,543	8,256,030	27,216,927	4,532,644	50,404,144	.....	31,560,413

¹ Gross earnings reported. No assignment of operating expenses to freight and passenger traffic.

² Division of operating expenses of the Kansas City, St. Joseph & Council Bluffs made by the compiler.

³ Other discrepancies in the foregoing table, when compared with profits shown in Table III-A, are accounted for in this: We have taken the gross freight earnings and not allowed the railroads credit for amounts paid in rebates, drawbacks, etc., under the general caption of deductions, overcharges, or repayments to shippers.

TABLE III.—Showing the mileage of the principal railroads in Kansas: the cost of carrying one ton of freight one mile; average distance haul of each ton of freight; average receipts for each ton of freight carried one mile, and freight earnings per train mile, as given in Report of the Board of Railroad Commissioners of Kansas for the year ending June 30, 1890; with the percentage of profits for carrying one ton of freight one mile, and cost of running freight train one mile.

Name of railroad company.	Page.	FREIGHT TRAFFIC.																													
		Length of line operated.....		Miles.	Average distance carried each ton of freight.....		Miles.	Cost of running freight train one mile ³		D.	C.	M.	Cost of carrying one ton of freight one mile.....		C.	M.	Average receipts per ton for each ton of freight carried one mile.....		Profit.	Profits percentage for carrying one ton of freight one mile ⁴ ...		D.	C.	M.	Freight earnings per train mile.....		D.	C.	M.		
1 Atchison, Topeka & Santa Fé.....	348	4,583	258	.....	.....	96 8.99	.....	.....	6.60	.....	.....	11.29	.71	.....	151 8.33	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2 Chicago, Kansas & Nebraska ¹	288	1,665	218	.....	.....	76 6.57	.....	.....	9.52	.....	.....	15.70	.63	.....	126 3.50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3 Chicago, Burlington & Quincy.....	192	5,020	166	.....	.....	92 4.64	.....	.....	5.66	.....	.....	9.86	.74	.....	150 1.78	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4 Central Branch Union Pacific.....	302	388	149	.....	.....	85 5.19	.....	.....	7.98	.....	.....	12.47	.56	.....	136 4.96	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5 Junction City & Fort Kearney.....	258	88	45	.....	.....	111 8.02	.....	.....	1.50	.....	.....	23.92	1.08	.....	112 3.74	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
6 Kansas City, Fort Scott & Memphis.....	162	670	174	.....	.....	95 0.20	.....	.....	5.46	.....	.....	8.52	.56	.....	149 7.01	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
7 Kansas City, Clinton & Springfield.....	172	174	97	.....	.....	64 5.91	.....	.....	4.78	.....	.....	10.01	.56	.....	141 4.13	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8 Missouri, Kansas & Texas.....	206	1,774	267	.....	.....	109 5.05	.....	.....	9.28	.....	.....	11.10	.20	.....	139 4.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
9 Missouri Pacific.....	221	3,119	181	.....	.....	118 3.54	.....	.....	7.89	.....	.....	10.40	.32	.....	166 0.16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10 Omaha & Republican Valley.....	250	482	66	.....	.....	110 4.71	.....	.....	1.06	.....	.....	16.15	.53	.....	187 7.62	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
11 St. Joseph & Grand Island.....	293	252	126	.....	.....	127 3.34	.....	.....	6.19	.....	.....	13.68	1.21	.....	218 0.36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
12 St. Louis & San Francisco.....	331	1,330	214	.....	.....	94 9.27	.....	.....	6.41	.....	.....	12.39	.93	.....	154 6.08	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
13 Solomon, Union Pacific branch.....	272	57	35	.....	.....	95 7.69	.....	.....	8.41	.....	.....	3.25	3.19	.....	414 7.36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14 The Wichita & Western.....	356	125	42	.....	.....	104 3.84	.....	.....	1.27	.....	.....	23.08	.82	.....	260 8.80	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
15 Union Pacific, Lincoln & Colorado.....	284	225	74	.....	.....	54 6.42	.....	.....	10.21	.....	.....	22.69	1.22	.....	140 7.19	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
16 Union Pacific.....	318	6,148	253	.....	.....	116 7.04	.....	.....	5.10	.....	.....	11.36	1.23	.....	231 5.24	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	26,100	2,365	1540 4.42	12 8.27	24 7.87	15.02	28 82 0.26
Averages.....	1,631	148	96 2.77	8.01	15.49	.94	1 80 1.26

¹ Report of the C. K. & N. Div. of the C. R. I. & P. Rly. for 1889 (no statement given in 1890), of the cost of carrying one ton one mile.

² Under the caption, "Commissioners' Report," the page refers to the average distance carried, average receipts, cost of carrying, and freight earnings per train mile.

³ The cost of running freight train one mile is taken from statistical report to the Inter-State Commerce Commission, June 30, 1889.

⁴ The profits per ton per mile on the haul do not appear in the Commissioners' Report.

TABLE III-A.—Showing the mileage operated, the cost of running freight train one mile, and cost of carrying one ton of freight one mile, by the railroad companies named, as shown by "Statistics of Railways in the United States," report of Henry C. Adams, statistician, to the Inter-State Commerce Commission, June 30, 1889; also, showing the average distance hauled each ton of freight, and average receipts for each ton of freight carried one mile, Report of the Railroad Commission of Iowa, June 30, 1889; also, showing the profits for carrying one ton of freight one mile.

Name of railroad company.	Page.	FREIGHT TRAFFIC.									
		Statistical report.					Iowa report.				
		Miles.	Length of line operated		Cost of running freight train one mile.....		Cost of carrying one ton of freight one mile.....		Page.	Miles.	Average receipts per ton for each ton carried one mile.....
			D.	C.	M.	C.	M.	Profit.			
Burlington, Cedar Rapids & Northern.....	64	1,046	No report.	.....	8.02	.....	135	62	118	135	13.06
Central Iowa.....	415	513	.....	85 0.88	.....	8.07	116	32	127	116	10.70
Chicago, Burlington & Quincy.....	403	4,859	.....	92 4.64	.....	6.17	173	62	869	173	9.97
Chicago, Milwaukee & St. Paul.....	403	5,678	.....	93 7.09	.....	6.48	208	65	210	208	10.67
Chicago & Northwestern.....	403	4,254	.....	79 1.52	.....	5.75	160	76	293	160	10.13
Chicago, Rock Island & Pacific.....	403	3,257	.....	89 2.95	.....	6.49	194	50	177	194	9.70
Chicago, Santa Fé & California.....	393	516	.....	111 5.46	.....	6.19	195	43	395	195	8.86
Chicago, St. Paul & Kansas City.....	405	830	.....	88 0.98	.....	6.41	210	48	331	210	9.50
Chicago, St. Paul, Minneapolis & Omaha.....	405	1,389	.....	98 1.34	.....	6.43	165	75	653	165	11.23
Dubuque & Sioux City.....	415	599	.....	78 5.75	.....	8.75	128	39	365	128	12.18
Kansas City, St. Joe & Council Bluffs.....	417	315	.....	151 5.79	.....	1 0.59	82	35	444	82	14.31
Keokuk & Western.....	417	148	.....	71 6.34	.....	6.01	66	70	468	66	10.20
Minneapolis & St. Louis.....	423	368	.....	118 2.50	.....	7.22	97	80	487	97	13.01
Omaha & St. Louis.....	433	145	.....	79 8.67	.....	5.40	109	42	562	109	7.65
Sioux City & Pacific.....	403	107	.....	130 3.40	.....	8.75	40	69	617	40	4.84
Wabash Western.....	451	1,002	.....	107 3.28	.....	6.45	171	27	712	171	8.20
Totals.....	.....	25,026	.....	1475 0.59	.....	11 3.18	2,249	875	.....	2,249	17 4.21
Averages.....	.....	1,564	.....	98 3.37	.....	7.07	140	54 3/4	.....	140	1 0.88

NOTE.—Compare the average receipts per ton per mile, and the average profits on each ton carried one mile, with average receipts and profits per ton for railroads named in Table III.

1
(a)
(b)
(c)
2
3
4
5
6
7
8
9
10
11
12
(d)
13
14

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

TABLE III.-A—Showing the mileage operated, the cost of running freight train one mile, and cost of carrying one ton of freight one mile, by the railroad companies named, as shown by "Statistics of Railways in the United States," report of Henry C. Adams, statistician, to the Inter-State Commerce Commission, June 30, 1889; also, showing the average distance hauled each ton of freight, and average receipts for each ton of freight carried one mile. Report of the Railroad Commission of Iowa, June 30, 1889; also, showing the profits for carrying one ton of freight one mile.

FREIGHT TRAFFIC.												
Statistical Report, 1889.....	Name of railroad company.	Statistical report.				Iowa report.						
		Length of line operated.....		Cost of running freight train one mile.....		Cost of carrying one ton of freight one mile.....		Commissioners' Report, 1889.....	Average distance carried each ton of freight.....	Average receipts per ton for each ton carried one mile.....	Profits percentage for carrying one ton one mile.....	
				D.	C.	M.	C.					M.
		Page.	Miles.	D.	C.	M.	C.	M.	Page.	Miles.	C.	M.
		64	1,046	No report.	8.02	118	135	13.06	62		
415	513	850.88	.....	8.07	127	116	10.70	32			
403	4,859	924.64	.....	6.17	869	173	9.97	62			
403	5,678	937.09	.....	6.48	210	208	10.67	65			
403	4,254	791.52	.....	5.75	293	160	10.13	76			
403	3,257	892.95	.....	6.49	177	194	9.70	50			
393	516	1115.46	.....	6.19	395	195	8.86	43			
405	830	880.95	.....	6.41	331	210	9.50	48			
405	1,389	981.34	.....	6.43	653	165	11.23	75			
415	599	785.75	.....	8.75	365	128	12.18	39			
417	315	1515.79	.....	10.59	444	82	14.31	35			
417	148	716.34	.....	6.01	468	66	10.20	70			
423	368	1182.50	.....	7.22	487	97	13.01	80			
433	145	798.67	.....	5.40	562	109	7.65	42			
403	107	1303.40	.....	8.75	617	40	14.84	69			
451	1,002	1073.28	.....	6.45	712	171	8.20	27			
.....	25,026	14750.59	113.18	.....	.....	2,249	174.21	875		
.....	1,564	983.37	7.07	.....	.....	140	10.88	54 3/4		

NOTE.—Compare the average receipts per ton per mile, and the average profits on each ton carried one mile, with average receipts and profits per ton for railroads named in Table III.

TABLE IV—Showing the number of employes in the various departments of the railroad companies below named, and the average daily wages paid each employe; also, the average number employed in all departments of general officers.

Name of railroad company in Kansas system.	Length of line in State.....	Total length of line operated.....	Report of State Railroad Commissioners.....	MAINTENANCE OF WAY AND STRUCTURES.					MAINTENANCE OF EQUIPMENT.					CONDUCTING									
				Section foremen.....	Daily wages.....	Track or section men.....	Daily wages.....	Bridge men, firemen, etc.....	Daily wages.....	Machinists.....	Daily wages.....	Carpenters.....	All other shopmen.....	Daily wages.....	Station agents.....	Daily wages.....	All other station men.....	Daily wages.....	Locomotive engineers.....	Daily wages.....	Locomotive firemen.....	Daily wages.....	
	Miles.	Miles.	Page.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.
1 Atchison, Topeka & Santa Fe ¹	1,542	5,494	347	587	175	3,925	120	787	215	573	213	198	221	2,856	181	445	204	1,997	160	702	435	743	24
(a) Chicago, Kansas & Western ²	941	943	364	114	188	515	115	4	115	3	241			38	165	96	133	33	75	20	523	20	29
(b) Manhattan, Alma & Burlingame ²	57	57	371	8	192	8	114	12	252					3	143	5	133	3	69	1	460	1	23
(c) Wichita & Western ²	125	125	355	20	187	43	106	1	333					3	196	11	178	4	103	3	420	3	22
B. & Mo. R. Div. ³ —Atchison & Nebraska ⁴	38	148	242	8	152	14	115	3	135	1	200	1	225	9	168	6	194	16	179	4	343	4	15
Beaver Valley ⁴	82	82	249	10	150	2	115	1	133					1	300					3	355	3	21
Chicago, Neb. & Kas. ⁴	65	70	255	10	150	7	115	1	333					3	148	9	165	1	100	3	360	3	21
Rep. Val., Kas. & S. W. ⁴	70	78	263	9	150	1	115	2	237							9	156	2	133	3	360	3	21
Chicago, Kansas & Nebraska ⁴	1,124	1,665	288	216	161	1,052	114	261	182	175	229	110	239	363	181	154	161	116	133	151	345	151	20
Hutchinson & Southern.....	32	32	197	4	131	16	46							1	56	1	80	5	112	1	303	2	260
Kansas City, Fort Scott & Memphis.....	257	670	162	142	170	801	125	90	167	147	214	272	224	455	177	108	153	232	161	130	400	134	223
Kansas City, Clinton & Springfield.....	23	174	171	25	164	92	117	9	164					10	176	8	137	26	102	3	400	8	225
Kansas City, Wyandotte & Northwestern.....	179	235	231	25	150	125	115	10	280	10	275	11	280	24	202	40	157	7	198	16	384	16	265
Missouri, Kansas & Texas ⁴	377	1,774	380	277	171	1,606	122	354	221	101	292	295	209	524	179	193	171	349	147	257	371	256	212
Missouri Pacific.....	1,787	3,119	221	484	153	2,446	116	593	152	388	279	315	234	1,485	178	403	159	511	159	396	334	300	212
Central Branch Union Pacific.....	384	388	302	65 ^a	152	202	116	53	141	28	278	35	228	192	178	62	156	30	163	34	337	38	193
St. Louis & San Francisco.....	437	1,380	331	226	158	852	118	432	219	170	228	189	216	477	166	190	135	188	153	142	461	142	260
Union Pacific ⁵	1,305	7,763	318	825	192	5,274	133	982	280	814	311	1,720	266	3,580	227	603	207	1,780	217	1,154	453	1,186	261
Totals.....	8,829	24,147		3,055		16,982		3,565		2,410		3,161		10,028		2,380		5,273		3,029		3,113	

Name of railroad company in Iowa system.

TABLE IV-A.

17	Burlington, Cedar Rapids & Northern.....	880	1,046	113	175	150	760	115	190	150	152	225	114	212	274	170	153	175	124	150	89	350	92	205
18	Central Iowa.....	419	513	147	73	139	286	113	51	220	22	279	64	217	160	178	101	123	65	122	54	355	54	204
19	Chicago, Burlington & Quincy.....	758	4,859	868	846	142	3,322	116	542	142	991	193	500	305	3,173	173	686	196	1,483	176	870	362	884	206
20	Chicago, Milwaukee & St. Paul.....	1,575	5,678	210	908	152	3,013	108	658	201	387	259	635	215	2,866	181	803	171	1,303	169	808	336	852	216
21	Chicago & Northwestern.....	1,163	4,254	292	721	176	3,087	129	1,229	219	516	207	879	213	2,060	166	661	211	1,969	177	926	347	1,004	214
22	Chicago, Rock Island & Pacific.....	1,067	3,257	176	579	170	2,600	112	698	145	566	230	662	215	1,218	191	438	161	1,652	140	538	325	540	182
23	Chicago, Santa Fe & California.....	20	516	394	63	270	591	128	606	178	56	252	122	246	355	194	75	200	679	187	106	457	93	278
24	Chicago, St. Paul & Kansas City.....	448	830	330	129	175	378	134	36	201	42	237	127	244	220	198	128	174	266	160	82	500	81	284
25	Chicago, St. Paul, Minneapolis & Omaha.....	100	1,389	651	243	165	1,068	126	315	150	241	201	370	176	817	218	167	220	426	173	199	320	199	193
26	Dubuque & Sioux City.....	573	599	364	107	151	447	119	56	151	31	214	76	227	232	170	89	200	214	143	78	337	84	171
27	Kansas City, St. Joe & Council Bluffs.....	61	315	443	70	169	280	107	94	201	45	239	60	233	211	194	50	161	159	126	43	392	42	213
28	Keokuk & Western.....	71	148	468	26	184	85	110	5	225	4	264	14	225	45	172	27	160	31	146	12	412	12	223
29	Minneapolis & St. Louis.....	141	368	486	74	174	222	110	20	250	16	260	5	250	170	165	52	200	55	300	46	375	53	220
30	Omaha & St. Louis.....	67	145	562	24	152	56	110	23	221	8	260	2	250	71	130	28	168	24	136	18	525	18	280
31	Sioux City & Pacific.....	80	107	616	19	164	80	137	18	247	36	236	62	208	192	160	17	221	42	183	15	382	16	246
32	Wabash Western.....	148	1,002	712	141	158	605	107	188	231	122	196	43	194	717	149	146	167	437	180	195	340	208	195
	Totals.....	7,571	25,026		4,198		16,880		4,319		3,235		3,785		12,281		3,621		8,929		4,079		4,232	

¹ See note, page 335, Kansas Report for 1890, mileage operated.

² Deducted from the number of employes reported on page 347, as the latter embraces the entire line.

³ Only men employed on line in Kansas reported.

⁴ Annual Report of Kansas Railroad Commissioners for the year ending June 30, 1889.

⁵ Includes 237 miles operated under trackage rights. (See page 321.)

⁶ Deducted from the number employed reported on page 221, as the latter embraces the entire line.

NOTE.—The page refers to number of men employed, and the average daily wages; however, when the compiler knew the monthly wages, or the amount per mile paid train men, he corrected accordingly. In this connection, it is proper to remark, that tables relating to labor in Kansas reports are of little value.

TABLE V—Showing the gross earnings from operating the railroads named, for the year ending June 30, 1890, as given in the Annual Report of the Railroad Commissioners of Kansas for the year ending as first above stated.

	Name of railroad company.	Report of Kansas Commissioners.....	Page	PASSENGER EARNINGS.		FREIGHT EARNINGS.		Total earnings, from operating.
				Total passenger revenue.	Other passenger earnings, mail, baggage, express, etc.	Total freight revenue.	Other earnings, switching charges, car mileage, etc.	
1	Atchison, Topeka & Santa Fé.....	341	4,642,417	1,102,279	15,366,734	398,001	21,509,431	
2	Chicago, Kansas & Nebraska†.....	286	799,850	125,400	2,076,482	66,716	3,068,448	
3	Chicago, Burlington & Quincy.....	188	6,155,220	1,750,726	19,713,337	619,141	28,238,424	
4	Central Branch Union Pacific.....	299	181,919	61,170	857,276	17,338	1,117,703	
5	Junction City & Ft. Kearney.....	256	29,761	11,842	162,343	2,137	206,083	
6	Kansas City, Ft. Scott & Memphis.....	158	911,876	166,649	3,787,963	155,063	5,021,551	
7	Kansas City, Clinton & Springfield.....	169	77,603	14,433	240,716	23,867	356,619	
8	Missouri, Kansas & Texas.....	203	1,783,204	376,502	6,322,892	210,045	8,692,643	
9	Missouri Pacific.....	216	2,648,973	696,409	9,452,125	1,034,399	13,831,906	
10	Omaha & Republican Valley.....	248	287,626	46,405	869,604	8,531	1,212,166	
11	St. Joseph & Grand Island.....	290	185,539	42,299	1,019,926	30,568	1,278,332	
12	St. Louis & San Francisco.....	327	1,296,306	299,136	4,866,685	149,705	6,611,832	
13	Solomon.....	270	25,926	7,497	126,603	965	160,991	
14	The Wichita & Western.....	353	34,758	19,484	77,037	3,749	135,028	
15	Union Pacific, Lincoln & Colorado.....	282	35,413	18,821	143,032	59,248	256,514	
16	Union Pacific.....	311	4,272,193	1,442,560	15,161,965	451,905	21,328,623	
Totals.....			23,368,584	6,181,612	80,244,720	3,231,378	113,026,294	

† Report of Kansas Commissioners for 1889.

TABLE V-A—Showing the gross earnings from operating the railroads named, for the year ending June 30, 1889, as given in the Annual Report of the Railroad Commissioners of Iowa for the year ending as first above stated.

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32	Name of railroad company.	Report of Iowa Commissioners.....		PASSENGER EARNINGS.		FREIGHT EARNINGS.		Total earnings from operating.
		Page	In dollars.	Total passenger revenue.	Other passenger earnings, U. S. mail, baggage, express, etc.	Total freight revenue.	Other earnings, switching charges, car mileage, etc.	
			In dollars.	In dollars.	In dollars.	In dollars.	In dollars.	In dollars.
	Burlington, Cedar Rapids & Northern.....	107	701,137	152,841		2,018,816	22,620	2,895,424
	Central Iowa.....	140	236,850	55,589		1,125,977	1,483	1,419,899
	Chicago, Burlington & Quincy.....	858	6,260,948	1,730,395		17,222,739	578,228	25,792,310
	Chicago, Milwaukee & St. Paul.....	198	6,378,048	1,722,121		17,589,308	214,835	25,904,312
	Chicago & Northwestern.....	278	6,353,419	1,074,551		18,402,375	67,090	25,897,435
	Chicago, Rock Island & Pacific.....	168	3,528,527	641,677		8,773,828	340,917	13,284,949
	Chicago, Santa Fé & California.....	386	643,939	174,641		2,380,403	47,269	3,246,252
	Chicago, St. Paul & Kansas City.....	321	621,518	193,801		1,906,704	77,787	2,799,810
	Chicago, St. Paul, Minneapolis & Omaha.....	640	1,686,709	271,160		4,441,157	46,846	6,445,872
	Dubuque & Sioux City.....	354	507,749	109,270		1,221,457	5,456	1,843,932
	Kansas City, St. Joe & Council Bluffs.....	436	536,814	95,233		914,527	175,759	1,722,333
	Keokuk & Western.....	461	78,091	18,462		200,332	39,429	336,314
	Minneapolis & St. Louis.....	480	313,818	72,788		938,529	19,413	1,344,548
	Omaha & St. Louis.....	555	107,211	24,326		330,496	.....	462,033
	Sioux City & Pacific.....	609	251,155	37,989		272,387	4,341	565,872
	Wabash Western.....	702	1,628,240	280,863		3,941,849	205,763	6,056,715
	Totals.....		29,834,173	6,655,707		81,680,884	1,847,236	120,018,000

TRANSPORTATION.

57

TABLE VI—Showing the total operating expenses of the railroads named, as given in Report of State Railroad Commissioners for the year ending June 30, 1890.

<i>Name of railroad company in Kansas system.</i>		Report of State Railroad Com- missioners	Total operating expenses.
		<i>Page.</i>	<i>In dollars.</i>
1	Atchison, Topeka & Santa Fé.....	343	13,028,853
2	Chicago, Kansas & Nebraska*.....	287	2,319,934
3	Chicago, Burlington & Quincy.....	190	17,306,245
4	Central Branch Union Pacific.....	300	718,875
5	Junction City & Fort Kearney.....	257	162,297
6	Kansas City, Fort Scott & Memphis.....	160	3,196,836
7	Kansas City, Clinton & Springfield.....	170	181,073
8	Missouri, Kansas & Texas.....	205	6,583,150
9	Missouri Pacific.....	219	9,511,870
10	Omaha & Republican Valley.....	249	1,124,305
11	St. Joseph & Grand Island.....	291	686,275
12	St. Louis & San Francisco.....	328	3,479,381
13	Solomon.....	271	77,764
14	The Wichita & Western.....	354	116,985
15	Union Pacific, Lincoln & Colorado.....	283	144,820
16	Union Pacific.....	314	11,709,054
Total.....			70,347,717
Deduct amount paid labor.....			37,337,369
Balance for renewal of rails, ties, etc.....			33,010,348

TABLE VI-A.

<i>Name of railroad company in Iowa system.</i>			
17	Burlington, Cedar Rapids & Northern.....	109	1,931,194
18	Central Iowa.....	142	1,110,605
19	Chicago, Burlington & Quincy.....	862	17,278,431
20	Chicago, Milwaukee & St. Paul.....	202	15,672,998
21	Chicago & Northwestern.....	282	15,270,059
22	Chicago, Rock Island & Pacific.....	171	9,195,637
23	Chicago, Santa Fé & California.....	389	2,476,151
24	Chicago, St. Paul & Kansas City.....	324	2,055,266
25	Chicago, St. Paul, Minneapolis & Omaha.....	644	4,074,255
26	Dubuque & Sioux City.....	358	1,384,450
27	Kansas City, St. Joseph & Council Bluffs.....	438	1,110,982
28	Keokuk & Western.....	463	250,030
29	Minneapolis & St. Louis.....	483	953,632
30	Omaha & St. Louis.....	557	313,514
31	Sioux City & Pacific.....	612	333,366
32	Wabash Western.....	705	4,368,811
Total.....			77,779,381
Deduct amount paid labor.....			48,344,047
Balance for renewal of rails, ties, etc.....			29,435,334

* Report of Kansas Commissioners for 1889.

COMPARATIVE REVIEW OF TABLES.

TABLE I—Locates the mileage of the several railroads named, except 2,057 miles of the Atchison, Topeka & Santa Fé Railroad Company referred to in statement of bonded indebtedness of said company; also referred to in note on page 335, wherein it is stated that only the net income from the operation of said 2,057 miles of road appears in said report. This will increase the mileage west of Kansas by the amount stated.

TABLE I-A.—Locates the mileage of the several railroads named.

TABLE II.—(1) The total freight earnings of the several railroads named in Table II, aggregate \$80,244,720. (2) The operating expenses chargeable to freight traffic aggregate \$47,280,733. (3) The profits divided between the European bondholder and Wall street manipulator aggregate \$32,963,987. In other words, each dollar paid for renewal of rails, ties, bridges, water tanks, buildings, tools, machinery, locomotives, fuel, and all other supplies; passenger, express, baggage, freight, and all other cars; labor in maintenance of way, structures, equipment, conducting transportation, clerks in general offices, insurance, rents, loss or damage to persons or property, including the salaries of general officers and rate manipulators—for each dollar so expended the bondholder and manipulator appropriate to their own use profits averaging *seventy per cent*. Thus, coupon-cutting and Wall street manipulating becomes an *honored* industry, an occupation which fattens a small number of knaves at the expense of a large number of agricultural and wage-working fools, whose profits the knaves appropriate, wax fat, grow opulent and arrogant, and boast of the vested rights of “capital,” forgetting that the only true and real capital invested in railroads is the number of men employed in the various departments.

TABLE II-A.—(1) The total freight earnings of the several railroads named in Table II-A aggregate \$81,964,557. (2) The operating expenses chargeable to freight traffic aggregate \$50,404,144. (3) The profits divided by the non-producers, but wealth consumers, aggregate \$31,560,413. Again, we find that for each dollar paid for renewal of rails, ties, bridges, buildings, locomotives, fuel, and supplies of all kinds, labor in all departments, including salaries of general officers, etc.—for every dollar so expended the bondholder and manipulator appropriate *sixty-two cents*. They (like little Oliver) wanted more, but the people of Iowa have been looking after the interest of the agriculturist and wage-worker, with beneficial results.

TABLE III.—(1) The average distance carried each ton of freight by the railroads named in Table III was 148 miles. (2) The average cost of running a freight train one mile was 96 cents. (3) The average receipts for each ton of freight carried one mile was one cent and five and a half mills. (4) The

average cost of carrying one ton of freight one mile was eight mills. (5) The profits appropriated by the European bondholder and Wall street manipulator vary from 20 to 319 per cent., with an average of 90 per cent. The difference in the profits shown in Tables II, II-A, III, and III-A, is due and accounted for in this: The figures in Tables II and II-A are copied from reports referred to, and deductions made by the compiler; while the cost per ton mile shown in Tables III and III-A are copied from the reports given.

TABLE III-A.—(1) The average distance carried each ton of freight by the railroads named in Table III-A was 140 miles. (2) The average cost of running a freight train one mile was ninety-two cents. (3) The average receipts for each ton of freight carried one mile was one cent and nine-hundredths of a mill. (4) The average cost of carrying one ton of freight one mile was seven and seven-hundredths of a mill. (5) The profits appropriated by bondholders and manipulators average 54 per cent.

TABLE IV.—(1) The railroad companies named in Table IV employ one section foreman to each seven and ninety-hundredths of a mile of road operated. (2) That said companies employ one section man or trackman for each one and forty-two hundredths of a mile of road operated. (3) That said companies employ one bridge carpenter, mason, fence or lineman for each six and seventy-seven hundredths of a mile of road operated. (4) That said companies employ one machinist to each ten miles of road operated. (5) That said companies employ one carpenter for each seven and sixty-four hundredths of a mile of road operated. (6) That said companies employ one "other shopman" for each two and forty-one hundredths of a mile of road operated. (7) That said companies employ one station agent for each ten and eighteen-hundredths of a mile of road operated. (8) That said companies employ one clerk or warehouse man (other station men) for each four and fifty-eight hundredths of a mile of road operated. (9) That said companies employ one locomotive engineer for each eight miles of road operated. (10) That said companies employ one locomotive fireman for each seven and seventy-five hundredths of a mile of road operated. (11) That said companies employ one conductor for each eleven miles of road operated. (12) That said companies employ one "other trainman" for each six and eleven-hundredths of a mile of road operated. (13) That said companies employ one switchman or watchman for each eleven and forty-five hundredths of a mile of road operated. (14) That said companies employ one operator or train dispatcher for each fourteen and sixty-hundredths of a mile of road operated. (15) That said companies employ one clerk at general offices for each eight and forty-three hundredths of a mile of road operated. (16) That the average number of men employed by the vari-

ous railroad companies named in Table IV is 272 men to each 100 miles of road operated; while fully one-half of the railroad mileage of Kansas does not furnish employment to 150 men to each 100 miles of road operated. This is fully illustrated by reference to the Chicago, Kansas & Western, Wichita & Western, Atchison & Nebraska, Beaver Valley, Chicago, Nebraska & Kansas, Republican Valley, Kansas & Southwestern, Hutchinson & Southern, Kansas City, Clinton & Springfield, Kansas City, Wyandotte & Northwestern, and the various branch lines of the Missouri Pacific and Union Pacific railroads. Therefore, it is safe to say that the average number of men furnished with continuous employment will not exceed 225 men to each 100 miles operated.

TABLE IV-A.—(1) The railroad companies named in Table IV-A employ one section foreman for each five and ninety-six hundredths of a mile of road operated. (2) That said companies employ one trackman or section man for each one and forty-eight hundredths of a mile of road operated. (3) That said companies employ one bridge carpenter, mason, fence or lineman, for each five and eighty-hundredths of a mile of road operated. (4) That said companies employ one machinist for each seven and seventy-three hundredths of a mile of road operated. (5) That said companies employ one carpenter for each six and seventy-hundredths of a mile of road operated. (6) That said companies employ one "other shopman" for each two and four-hundredths of a mile of road operated. (7) That said companies employ one station agent for each six and ninety-one hundredths of a mile of road operated. (8) That said companies employ one clerk or warehouse man (other station men) for each two and ninety-one hundredths of a mile of road operated. (9) That said companies employ one locomotive engineer for each six and thirteen-hundredths of a mile of road operated. (10) That said companies employ one locomotive fireman for each five and ninety-one hundredths of a mile of road operated. (11) That said companies employ one conductor for each nine and thirty-five hundredths of a mile of road operated. (12) That said companies employ one "other trainman" for each four and forty-five hundredths of a mile of road operated. (13) That said companies employ one switchman or watchman for each six and seventy-five hundredths of a mile of road operated. (14) That said companies employ one train dispatcher or telegraph operator for each ten and seventy-five hundredths of a mile of road operated. (15) That said companies employ one clerk at general offices for each seven miles of road operated. (16) That the average number of men employed by said companies is 333 for each 100 miles of road operated.

We will conclude Tables V and VI by the following
RECAPITULATION.

ITEM.	Total collections from operating roads.	GRAND TOTAL OPERATING EXPENSES.				Profits paid to bondholders and manipulators.	Per cent. of earnings.....
		Total paid labor.	Per cent. of earnings.....	Other expenses, renewal of rails, ties, bridges, cars, locomotives, fuel, and all other supplies.	Per cent. of earnings.....		
	<i>In dollars.</i>	<i>In dollars.</i>		<i>In dollars.</i>		<i>In dollars.</i>	
Table IV.....		37,337,369	33				
Table IV-A.....		48,344,047	40½				
Table V.....	113,026,294					42,678,577	37¾
Table V-A.....	120,018,000					42,238,619	35½
Table VI.....				33,010,347	29½		
Table VI-A.....				29,435,334	24½		
Grand totals...	233,044,294	85,681,416	36¾	62,445,681	26¾	84,917,196	36½

With the foregoing facts before your legislators, they did all in their power to relieve the people of Kansas of a portion of the burdens imposed upon them by that octopus, (the money power of England,) managed in America by Wall street manipulators, by the introduction and passage in the Kansas House of Representatives of the preceding railroad bill (p. 31), which the Republican Senate refused to consider.

COMPARISON

Of tariff rates promulgated by the Kansas Board of Railroad Commissioners, who say: "After a very careful consideration of the subject, and the conditions affecting both railroads and the people in this State, we believe these rates to be both fair and reasonable." (Page 117, Report of 1890; rates effective September 1, 1890.) Compared with rates in force over various railroad lines operated in the State of Kansas, from St. Joseph, Mo., Kansas City, Mo., Rushville, Mo., Winthrop, Mo., and Kennmoor, Mo.; also from Kansas City, Leavenworth, and Atchison, Kansas, to points named in Kansas. While both the railroad and commissioners' tariffs are compared with reasonable maximum rates proposed in House bill No. 743, passed by the Kansas House of Representatives, February, 1891, but the Republican Senate refused to consider said bill.

TABLE VII.—RAILROAD COMMISSIONERS'

SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kansas, to points
by authority of the Kansas Board of Railroad Com-

Between KANSAS CITY, KAS., LEAVENWORTH, KAS., ATCHISON, KAS., OR ELWOOD, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.					CAR-LOADS. Minimum weight, 20,000 lbs.				
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
1	Abilene.....	163	66	58	53	42	37	30	23	20	14	11
2	Alma.....	104	54	45	39	32	28	24	17	15	11	8
3	Anthony.....	282	82	74	67	55	50	43	33.50	27	20	16
4	Arkalon.....	395	110	102	85	76	70	59	46	36	31	22
5	Ashland.....	394	110	102	85	76	70	59	46	36	31	22
6	Atwood.....	374	100	92	82	70	65	57	42	34	28	20
7	Beloit.....	184	70	62	56	45	40	32	25	21	15	11.50
8	Benton.....	209	74	66	59	47	42	35	27	23	17	12.50
9	Bird City.....	401	115	106	87	79	72	61	47	36.50	32	23
10	Blaine.....	96	52	44	38	31	27	24	16	14	10	7.50
11	Blue Mound.....	117	57	48	43	35	31	26	18	16	12	9
12	Blue Rapids.....	95	50	43	37	30	26	23	16	14	10	7.50
13	Buffalo.....	140	61	52	47	39	34	28	20	18	12	10
14	Burlington.....	104	54	45	39	32	28	24	17	15	11	8
15	Clay Center.....	147	63	55	49	40	35	29	21	19	13	10.50
16	Colby.....	390	105	97	83	73	68	58	44	35	29	21
17	Coldwater.....	368	96	88	79	67	62	55	40	33.50	26	20
18	Columbus.....	148	63	55	49	40	35	29	21	19	13	10.50
19	Concordia.....	155	64	56	50	41	36	29	22	20	13	10.50
20	Corning.....	55	34	30	27	22	16	12	10	8	6	6
21	Council Grove.....	152	64	56	50	41	36	29	22	20	13	10.50
22	Dighton.....	381	105	97	83	73	68	58	44	35	29	21
23	Dodge City.....	368	96	88	79	67	62	55	40	33.50	26	20
24	Dresden.....	350	88	80	73	61	56	49	36.50	30	23	19
25	El Dorado.....	195	72	64	57	46	41	33	26	22	16	12
26	Ellsworth.....	223	76	68	61	49	44	37	29	24	17	12.50
27	Emporia.....	113	56	47	41	34	30	25	18	16	12	8.50
28	Erie.....	120	57	48	43	35	31	26	18	16	12	9
29	Eureka.....	155	64	56	50	41	36	29	22	20	13	10.50
30	Fort Scott.....	99	52	44	38	31	27	24	16	14	10	7.50
31	Fredonia.....	152	64	56	50	41	36	29	22	20	13	10.50
32	Garden City.....	418	120	108	89	82	74	63	48	37	33	23.50
33	Garnett.....	83	46	41	35	28	23	22	15	13	9	7
34	Girard.....	125	58	49	44	36	32	26	19	17	12	9.50
35	Goodland.....	423	125	110	91	85	75	64	49	38	35	24
36	Grainfield.....	356	92	84	76	64	59	52	38	32	25	20
37	Great Bend.....	286	82	74	67	55	50	43	33.50	27	20	16
38	Greensburg.....	306	84	76	69	57	52	45	34.50	28	22	17
39	Gridley.....	114	56	47	41	34	30	25	18	16	12	8.50
40	Hartland.....	447	134	114	95	88	77	66	51	40	37	25
41	Hays City.....	286	82	74	67	55	50	43	33.50	27	20	16
42	Hiawatha.....	40	28	25	21	19	13	13	10	8	6	5
43	Hill City.....	324	86	78	71	59	54	47	35.50	29	22	18
44	Holton.....	55	34	30	27	22	16	16	12	10	8	6
45	Howard.....	204	74	66	59	47	42	35	27	23	17	12.50

REASONABLE TARIFF RATES.

named, with reasonable rates on merchandise and car-load freights, between the points named, missioners, September 1, 1890. (Report 1890, page 119.)

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers	
Lumber	Salt	Soft coal, lump or nut.....	Rate per ton per mile on soft coal.....		Wheat, flour, corn meal, flax seed, castor beans, broom-corn seed, mil- let seed, sorghum seed..	Corn, oats, rye, barley, bran, or mill stuffs.....	Rate per ton per mile on corn, oats, rye, bran, barley, etc.....		Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car
			Cts	Mills			Cts	Mills				
17	21.33	11	13.50		14.50	12.50	15.40		43.00	37.50	26.50	1
13.50	16	7.75	14.90		10.50	8.50	16.34		35.00	28.00	20.50	2
21	26	15.75	11.17		16.25	14.25	10.10		51.00	45.50	31.50	3
30	37	20.50	10.38		19	17	8.61		66.00	51.00	37.00	4
30	37	20.50	10.41		19	17	8.63		66.00	51.00	37.00	5
26	35	20	10.69		18.25	16.25	8.69		64.00	50.00	36.00	6
18	22.66	12	13.04		15	13	14.13		45.50	39.50	28.50	7
20	23.33	12.50	11.96		15.50	13.50	12.92		47.50	41.50	30.00	8
32	38	21	10.47		19.25	17.25	8.60		67.00	51.50	38.00	9
13	15.33	7.50	15.62		10.50	8.50	17.71		33.00	27.00	20.00	10
15	18	9	15.38		11.50	9.50	16.24		38.00	31.00	22.00	11
13	15	7.50	15.79		10	8.25	17.37		32.00	26.50	20.00	12
16	19.66	10.50	15.00		13.50	11.50	16.43		40.50	35.00	24.00	13
13.50	16	7.75	14.90		10.50	8.50	16.35		35.00	28.00	20.50	14
16	20.50	10.75	14.64		14	12	16.33		41.00	36.00	25.00	15
28	36	20	10.25		18.75	16.75	8.59		65.00	50.50	36.50	16
25	34	19.75	10.73		18.25	16.25	8.83		63.00	49.50	35.50	17
16	20.33	10.75	14.53		14	12	16.22		41.00	36.00	25.00	18
16	20.66	10.75	13.87		14	12	15.48		41.00	36.50	25.50	19
9	11.33	6	21.82		8	7	25.45		23.00	19.00	16.00	20
16	20.66	10.75	14.14		14	12	15.79		41.00	36.50	25.50	21
28	36	20	10.50		18.75	16.75	8.79		65.00	50.50	36.50	22
25	34	19.75	10.73		18.25	16.25	8.83		63.00	49.50	35.50	23
23	32	19	10.86		17.75	15.75	9.00		60.50	48.50	34.00	24
19	23	12.25	12.56		14.25	13.25	13.59		46.50	40.50	29.50	25
20	24	13.25	11.88		15.75	13.75	12.33		48.50	42.50	30.50	26
14.50	17.33	8.50	15.04		11	9	15.93		37.00	30.00	21.50	27
15	18	9	15.00		11.50	9.50	15.83		38.00	31.00	22.00	28
16	20.66	10.75	13.87		14	12	15.48		41.00	36.50	25.50	29
13	15.33	7.50	15.15		10.50	8.50	17.17		33.00	27.00	20.00	30
16	20.66	10.75	14.14		14	12	15.79		41.00	36.50	25.50	31
34	39	21.50	10.29		19.50	17.50	8.37		69.00	52.00	38.50	32
12	14	7.25	17.47		9.50	8	19.28		30.00	25.00	19.00	33
15	18.66	9.75	15.60		11.50	9.50	15.20		39.50	32.00	22.50	34
34.50	49	22	10.40		19.75	17.75	8.39		71.00	53.00	39.00	35
24	33	19.50	10.95		18	16	8.99		62.00	49.00	35.00	36
21	26	15.75	11.01		16.25	14.25	9.96		51.00	45.50	31.50	37
22	28	16.50	10.78		16.50	14.50	9.48		53.00	46.50	32.00	38
14.50	17.33	8.50	14.91		11	9	15.84		37.00	30.00	21.50	39
35.30	42	23	10.29		20	18	8.05		75.00	55.00	40.00	40
21	26	15.5	11.01		16.25	14.25	9.96		51.00	45.50	31.50	41
7	9.66	5.25	26.25		7.50	6.50	32.50		20.00	16.00	13.50	42
23	30	18	11.11		17.25	15.25	9.41		57.00	47.50	32.50	43
9	11.33	6	21.82		8	7	25.45		23.00	19.00	16.00	44
20	23.33	12.50	12.25		15.50	13.50	13.23		47.50	41.50	30.00	45

TABLE VII.—RAILROAD COMMISSIONERS'
SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kansas, to points
by authority of the Kansas Board of Railroad Com-

Between KANSAS CITY, KAS., LEAVENWORTH, KAS., ATCHISON, KAS., or ELWOOD, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.					CAR-LOADS. Minimum weight, 20,000 lbs.				
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
46	Hoxie.....	357	92	84	76	64	59	52	38	32	25	20
47	Hutchinson.....	234	77	69	62	50	45	38	30	24	18	13
48	Independence.....	166	67	59	54	42	37	31	23	20	14	11
49	Ingalls.....	393	110	102	85	76	70	59	46	36	31	22
50	Iola.....	110	55	46	40	33	29	25	17	15	11	8
51	Junction City.....	139	61	52	47	39	34	28	20	18	12	10
52	Jetmore.....	354	92	84	76	64	59	52	38	32	25	20
53	Kingman.....	273	81	73	66	54	49	42	33	26	20	15
54	Kinsley.....	332	87	79	72	60	55	48	36	29	23	18.50
55	Lawrence.....	34	25	23	20	17	12	12	10	8	6	5
56	Larned.....	308	84	76	69	57	52	45	34.50	28	22	17
57	Leoti.....	430	125	110	91	85	75	64	49	38	35	24
58	Lincoln Center.....	221	76	68	61	49	44	37	29	24	17	12.50
59	Lyndon.....	83	46	41	35	28	23	22	15	13	9	7
60	Lindsborg.....	207	74	66	59	47	42	35	27	23	17	12.50
61	Lyons.....	251	79	71	64	52	47	40	32	25	19	14
62	McPherson.....	196	73	65	58	46	41	34	26	22	16	12
63	Manhattan.....	119	57	48	43	35	31	26	18	16	12	9
64	Mankato.....	191	72	64	57	46	41	33	26	22	16	12
65	Marion.....	172	68	60	55	43	38	31	24	21	15	11.50
66	Meade Center.....	369	96	88	79	67	62	55	40	33.50	26	20
67	Medicine Lodge.....	329	86	78	71	59	54	47	35.50	29	22	18
68	Minneapolis.....	195	72	64	57	46	41	33	26	22	16	12
69	Mound Valley.....	149	63	55	49	40	35	29	21	19	13	10.50
70	Neal.....	148	63	55	49	40	35	29	21	19	13	10.50
71	Neodesha.....	161	66	58	53	42	37	30	23	20	14	11
72	Ness City.....	350	88	80	73	61	56	49	36.50	30	23	19
73	Newton.....	201	74	66	59	47	42	35	27	23	17	12.50
74	Norton.....	318	85	77	70	58	53	46	35	28	22	17
75	Oberlin.....	347	88	80	73	61	56	49	36.50	30	23	19
76	Olathe.....	21	22	19	17	14	10	10	9	7	6	4.50
77	Osborne.....	218	75	67	60	48	43	36	28	23	17	12.50
78	Ottawa.....	58	36	32	28	23	17	17	12	10	8	6
79	Paola.....	43	30	27	23	20	14	14	11	9	7	5.50
80	Parsons.....	137	61	52	47	39	34	28	20	18	12	10
81	Peru.....	193	73	65	58	46	41	34	26	22	16	12
82	Phillipsburg.....	283	82	74	67	55	50	43	33.50	27	20	16
83	Pleasanton.....	74	42	38	33	26	20	20	14	12	8	7
84	Pratt.....	276	81	73	66	54	49	42	33	26	20	15
85	Reece.....	171	68	60	55	43	38	31	24	21	15	11.50
86	Rush Center.....	318	85	77	70	58	53	46	35	28	22	17
87	Russell.....	263	80	72	65	53	48	41	32.50	26	20	15
88	Salina.....	186	71	63	57	45	40	33	25	21	15	11.50
89	Scandia.....	170	67	59	54	42	37	31	23	20	14	11
90	Scott City.....	406	115	106	87	79	72	61	47	36.50	32	23

REASONABLE TARIFF RATES—CONTINUED.

named, with reasonable rates on merchandise and car-load freights, between the points named, missioners, September 1, 1880. (Report 1890, page 119.)

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers.....	
Lumber	Salt.....	Soft coal, lump or nut.....	Rate per ton per mile on soft coal.....		Wheat, flour, corn meal, flax seed, castor beans, broom-corn seed, mil- let seed, sorghum seed..	Corn, oats, rye, barley, bran, or mill stuffs.....	Rate per ton per mile on corn, oats, rye, bran, barley, etc.....		Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car.....
			Cts	Mills			Cts	Mills				
24	33	19.50	1	0.92	18	16	.....	8.68	62.00	49.00	35.00	46
21	24.33	13.50	1	1.54	15.75	13.75	1	1.75	49.00	43.00	31.00	47
17	21.66	11.25	1	3.55	15	13	1	5.66	43.50	38.00	27.00	48
30	37	20.50	1	0.43	19	17	.....	8.65	66.00	51.00	37.00	49
14	16.66	8	1	4.54	11	9	1	6.36	36.00	29.00	21.00	50
16	19.66	10.50	1	5.11	13.50	11.50	1	6.55	40.50	35.00	24.00	51
24	33	19.50	1	1.02	18	16	.....	9.04	62.00	49.00	35.00	52
21	25.66	15.25	1	1.17	16	14	1	0.26	50.50	45.00	31.50	53
23	31	18.50	1	1.14	17.50	15.50	.....	9.34	59.00	48.00	33.00	54
7	9	5	2	9.41	7	6	3	5.29	19.00	15.00	12.50	55
22	28	16.50	1	0.71	16.50	14.50	.....	9.41	53.00	46.50	32.00	56
34.50	40	22	1	0.23	19.75	17.75	.....	8.26	71.00	53.00	39.00	57
20	24	13.25	1	1.99	15.75	13.75	1	2.44	48.50	42.50	30.50	58
12	14	7.25	1	7.47	9.50	8	1	9.28	30.00	25.00	19.00	59
20	23.33	12.50	1	2.08	15.50	13.50	1	3.04	47.50	41.50	30.00	60
21	25	14.50	1	1.55	16	14	1	1.15	50.00	44.00	31.00	61
19	23	12.25	1	2.50	15.25	13.25	1	3.55	47.00	41.00	30.00	62
15	18	9	1	5.12	11.50	9.50	1	5.96	38.00	31.00	22.00	63
19	23	12.25	1	2.82	15.25	13.25	1	3.87	46.50	40.50	29.50	64
18	22	11.50	1	3.37	15	13	1	5.11	44.00	38.50	27.50	65
25	34	19.75	1	0.70	18.25	16.25	.....	8.81	63.00	49.50	35.50	66
23	30	18	1	0.94	17.25	15.25	.....	9.27	57.00	47.50	32.50	67
19	23	12.25	1	2.56	15.25	13.25	1	3.59	46.50	40.50	29.50	68
16	20.50	10.75	1	4.43	14	12	1	6.11	41.00	36.00	25.00	69
16	20.50	10.75	1	4.53	14	12	1	6.21	41.00	36.00	25.00	70
17	21.33	11	1	3.41	14.50	12.50	1	5.24	43.00	37.50	26.50	71
23	32	19	1	0.86	17.75	15.75	.....	9.00	60.50	48.50	34.00	72
20	23.33	12.50	1	2.43	15.50	13.50	1	3.43	47.50	41.50	30.00	73
22	29	17.25	1	0.85	17	15	.....	9.43	55.00	47.00	32.00	74
23	32	19	1	0.85	17.75	15.75	.....	9.08	60.50	48.50	34.00	75
6.50	7.66	4.50	4	2.85	6	5	4	7.62	17.00	13.00	11.00	76
20	23.66	13	1	1.92	15.50	13.50	1	2.38	48.00	42.00	30.50	77
10	12	6.25	2	1.55	8.25	7.25	2	5.00	24.00	20.00	16.00	78
8	10.33	5.50	2	5.58	8.50	6.50	3	0.23	21.00	17.00	14.00	79
16	19.66	10.50	1	5.33	13.50	11.50	1	6.79	40.50	35.00	24.00	80
19	23	12.25	1	2.33	15.25	13.25	1	3.38	47.00	41.00	30.00	81
21	26	15.75	1	1.13	16.25	14.25	1	0.07	51.00	45.50	31.50	82
11	13	7	1	8.92	8.50	7.50	2	0.27	27.00	23.00	18.00	83
21	25.66	15.25	1	1.05	16	14	1	0.14	50.50	45.00	31.50	84
18	22	11.50	1	3.45	15	13	1	5.20	44.00	38.50	27.50	85
22	29	17.25	1	0.85	17	15	.....	9.43	55.00	47.00	32.00	86
21	25.33	14.75	1	1.22	16	14	1	0.65	50.00	44.50	31.50	87
19	22.66	12	1	2.90	15.25	13.25	1	4.25	46.00	40.00	29.00	88
17	21.66	11.25	1	3.23	15	13	1	5.29	43.50	38.00	27.00	89
32	38	21	1	0.34	19.25	17.25	.....	8.50	67.00	51.50	38.00	90

TABLE VII.—RAILROAD COMMISSIONERS'
SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kansas, to points
by authority of the Kansas Board of Railroad Com-

Between		Distance in miles.	In cents and fractional hundredths of a cent per 100 lbs.										
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.						
			First class.....	Second class.....	Third class.....	Fourth class	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....	
And													
91	Sedan....	203	74	66	59	47	42	35	27	23	17	12.50	
92	Sharon Springs,	429	125	110	91	85	75	64	49	38	35	24	
93	Smith Center....	254	79	71	64	52	47	40	32	25	19	14	
94	Stafford.....	273	81	73	66	54	49	42	33	26	20	15	
95	Stockton.....	250	78	70	63	51	46	39	31	25	18	13.50	
96	Strong City	148	63	55	49	40	35	29	21	19	13	10.50	
97	Syracuse.....	470	134	114	95	88	77	66	51	40	37	25	
98	Tonovay.....	154	64	56	50	41	36	29	22	20	13	10.50	
99	Topeka.....	50	32	29	25	21	15	15	11	9	7	5.50	
100	Toronto.....	141	62	54	48	40	35	28	21	19	13	10.50	
101	Tribune.....	471	134	114	95	88	77	66	51	40	37	25	
102	Valley Falls.....	36	28	25	21	19	13	13	10	8	6	5	
103	Wakeeney	321	86	78	71	59	54	47	35.50	29	22	18	
104	Wamego.....	104	54	45	39	32	28	24	17	15	11	8	
105	Washington.....	120	57	48	43	35	31	26	18	16	12	9	
106	Wellington	261	80	72	65	53	48	41	32.50	26	20	15	
107	Wesphalia.....	101	54	45	39	32	28	24	17	15	11	8	
108	Wichita.....	222	76	68	61	49	44	37	29	24	17	12.50	
109	Winfield.....	247	78	70	63	51	46	39	31	25	18	13.50	
110	Winona.....	398	110	102	85	76	70	59	46	36	31	22	
111	Yates Center....	124	58	49	44	36	32	26	19	17	12	9.50	

REASONABLE TARIFF RATES—CONCLUDED.

named, with reasonable rates on merchandise and car-load freights, between the points named, missioners, September 1, 1890. (Report 1890, page 119.)

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers.....	
Lumber.....	Salt.....	Soft coal, lump or nut....	Rate per ton per mile on soft coal.....		Wheat, flour, corn meal, flax seed, castor beans, broom-corn seed, mil- let seed, sorghum seed..	Corn, oats, rye, barley, bran, or mill stuffs.....	Rate per ton per mile on corn, oats, rye, bran, barley, etc....		Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car
			Cts	Mills			Cts	Mills				
20	23.33	12.50	1	2.31	15.50	13.50	1	3.30	47.50	41.50	30.00	91
34.50	40	22	1	0.25	19.75	17.75	....	8.27	71.00	53.00	39.00	92
21	25	14.50	1	1.42	16	14	1	1.02	50.00	44.00	31.00	93
21	25.66	15.25	1	1.17	16	14	1	0.25	50.50	45.00	31.50	94
21	24.66	14	1	1.20	16	14	1	1.20	49.50	43.50	31.00	95
16	20.33	10.75	1	4.53	14	12	1	6.22	41.00	36.00	25.00	96
35.50	42	23	....	9.79	20	18	....	7.66	75.00	55.00	40.00	97
16	20.66	10.75	1	3.96	14	12	1	5.56	41.00	36.50	25.50	98
8	11	5.75	2	3.00	8	6.50	2	6.00	22.00	18.00	15.00	99
16	20	10.50	1	4.90	13.50	11.50	1	6.31	40.50	35.50	24.50	100
35.50	42	23	....	9.77	20	18	....	7.64	75.00	55.00	40.00	101
7	9.66	5.25	2	9.16	7.50	6.50	3	6.11	20.00	16.00	13.50	102
23	30	18	1	1.21	17.25	15.25	....	9.50	57.00	47.50	32.50	103
13.50	16	7.75	1	4.90	10.50	8.50	1	6.35	35.00	28.00	20.50	104
15	18	9	1	5.00	11.50	9.50	1	5.83	38.00	31.00	22.00	105
21	25.33	14.75	1	1.30	16	14	1	0.73	50.00	44.50	31.50	106
13.50	16	7.75	1	5.34	10.50	8.50	1	6.83	35.00	28.00	20.50	107
20	24	13.25	1	1.94	15.75	13.75	1	2.39	48.50	42.50	30.50	108
21	24.66	14	1	1.38	16	14	1	1.38	49.50	43.50	31.00	109
30	37	20.50	1	0.30	19	17	....	8.54	66.00	51.00	37.00	110
15	18.66	9.75	1	5.73	11.50	9.50	1	5.32	39.50	32.00	22.50	111

TABLE VIII.—RAILROAD TARIFF

SHOWING distances from Kansas City or St. Joseph, Missouri, Atchison or Leavenworth, Kansas, any railroad line operated

Between KANSAS CITY, MO., ST. JOSEPH, MO., ATCHISON, KAS., LEAVENWORTH, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
1	Abilene.....	163	51	45.50	38	30	26	25	18	15.50	11	7.50
2	Alma.....	104	37	24	28	23	19	17	13	11	9	7
3	Anthony.....	282	76	65	57	49	42	38.50	25	21	20	14
4	Arkalon.....	395	92	81	73	64	57	49	35	28	26	18
5	Ashland.....	394	87	77	68	59	52	43	30	25	25	17
6	Atwood.....	374	81	74	68	57	51	42	34	27	20	16.50
7	Beloit.....	184	56	50	42.50	34	29	27	21	17	13	10
8	Benton.....	209	61	54	47	38	32.50	31	22	18	15	11
9	Bird City.....	401	89	80	72	60	54	47	39	30	23	19
10	Blaine.....	96	37	34	31	25	20	18	14	12	11	7
11	Blue Mound.....	117	36	31	27	20	15	17	13	8	7	5.25
12	Blue Rapids.....	95	40	35	28	23	19	17	13	11	9	7
13	Buffalo.....	140	52	43	40	29	24	25	19	12	12	9
14	Burlington.....	104	49	40	35	28	24	23	17	10	10	7.50
15	Clay Center.....	147	50	45.50	37	28	24	23	18	14	11	7.50
16	Colby.....	390	81	74	68	57	51	42	34	27	20	16.50
17	Coldwater.....	368	86	76	68	58	52	43	29	25	22	17
18	Columbus.....	148	49	40	35	25	20	22.50	18	10	9	7.50
19	Concordia.....	155	51	45.50	38	30	26	25	18	15.50	11	7.50
20	Corning.....	55	30	25	22	20	15	15	11	8	8	6
21	Council Grove.....	152	49	40	35	28	24	23	18	13	11	7.50
22	Dighton.....	381	77	71	64	57	50	41	30	26	20	16
23	Dodge City.....	368	87	78	71	60	55	46	32	27	23	18
24	Dresden.....	350	79	71	65	55	49	40	29	25	20	15.50
25	El Dorado.....	195	58	52	45	36	31	30	22	18	14	10.50
26	Ellsworth.....	223	61	56	50	40	35	32	24	21	16	12
27	Emporia.....	113	49	40	35	28	24	23	18	13	11	7.50
28	Erie.....	120	49	40	35	25	20	22	17	10	9	7.50
29	Eureka.....	155	55	51	44	34	30	23	21	16	13	10
30	Falls City, Neb.....	101	25	20	17	15	12	11	9	7	7	6
31	Fort Scott.....	99	36	31	27	20	15	17	13	8	7	5.25
32	Fredonia.....	152	52	47	42	31	26	26	21	13	13	9
33	Garden City.....	418	94	84	76	65	59	51	37	30	26	19
34	Garnett.....	83	40	34	29	24	17	17	14	10	8	7
35	Girard.....	125	49	40	35	25	20	22	17	10	9	7.50
36	Goodland.....	423	89	80	72	60	54	47	39	30	23	19
37	Grainfield.....	356	80	72	66	57	51	41	30	26	20	16
38	Great Bend.....	286	66	58	50	41	36	32.50	24	21	16	12
39	Greensburg.....	306	78	71	63	55	48	40	28	23	20	16
40	Gridley.....	114	52	44	38	29	26	24	18	12	11	8
41	Hartland.....	447	94	84	77	65	59	51	41	32	26	19
42	Hays City.....	286	64	58	53	48	42	34	26	22	16	13
43	Hiawatha.....	40	22	18	15	13	10	10	8	7	6	5

TRANSPORTATION.

69

RATES AND DISTANCES.

sas, to points named; also rates on merchandise and car-load freights between said points via between the stations named.

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.						LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers.....	
Lumber, lath, shingles, fence posts (cedar), sash, doors, blinds, moulding, bed slats, sawdust.....	Salt in barrels, sacks, or bulk.....	Soft coal, lump or nut.....	Rate per ton per mile on soft coal.....	Wheat, oat meal, flour, flax seed, hemp seed, millet seed, broom-corn seed, castor beans.....	Corn, oats, barley, rye, corn meal, bran, mill feed, mill stuffs, chop, sorghum seed, grain screenings, oat hulls..	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....		Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car....
						Cts	Mills				
12	13	8.50	1 0.43	14	12	1 4.72	35.00	30.00	18.00	1	
9	10	7	1 3.46	10.50	8.50	1 6.34	28.00	23.00	18.00	2	
21	24	10.50	..... 7.44	16.25	14	..... 9.93	41.50	36.50	31.50	3
25	30	16	..... 8.10	19	17	..... 8.60	45.00	40.00	35.00	4
24	26	16	..... 8.12	18.25	16.25	..... 8.25	45.00	40.00	35.00	5
20	29	12.50	..... 6.68	18.75	16.75	..... 8.95	55.00	45.00	27.00	6
13	15	10	1 0.87	15	13	1 4.13	40.00	30.00	18.00	7	
15.50	13	8.50	..... 8.13	15.25	13.25	1 2.68	40.00	33.00	25.00	8
22	30	13	..... 6.48	19.75	17.75	..... 8.85	55.00	45.00	27.00	9
10	10	8	1 6.66	11	9	1 8.75	28.00	23.00	18.00	10	
8	7.66	5.75	..... 9.83	9.50	8	1 3.67	27.00	23.00	17.00	11
9	10	6.50	1 3.68	10	8.25	1 7.37	32.00	25.00	18.00	12	
11	13	7	1 0.00	11.50	9	1 2.85	31.00	27.00	20.00	13	
12	13	7	1 3.46	10.50	8.50	1 6.34	30.00	25.00	18.00	14	
12	15	9	1 2.24	12.50	10.50	1 4.28	36.00	30.00	18.00	15	
20	29	12	..... 6.15	18.75	16.75	..... 8.59	55.00	45.00	27.00	16
23	25	16	..... 8.69	17.75	15	..... 8.15	45.00	40.00	34.00	17
10	10	7	..... 9.46	10.50	8.50	1 1.48	30.00	26.00	17.00	18
12	15	9	1 1.61	14	12	1 5.48	40.00	30.00	18.00	19	
7	8	5.50	2 0.00	8	7	2 5.45	23.00	19.00	15.00	20	
12	13	7.50	..... 9.87	12.50	10.50	1 3.81	30.00	25.00	18.00	21
20	25	12.50	..... 6.56	18	16	..... 8.39	47.00	41.00	27.00	22
23	29	16	..... 8.69	17.50	15.50	..... 8.42	45.00	40.00	33.00	23
18	25	12.50	..... 7.14	18	16	..... 9.14	47.00	38.00	22.80	24
15	13	8.50	..... 8.72	15	13	1 3.33	38.00	33.00	25.00	25
17	17	10.50	..... 9.42	15.50	13.50	1 2.10	40.00	35.00	25.00	26
12	13	7.50	1 3.27	11	9	1 5.73	30.00	25.00	18.00	27	
10	10	7	1 1.66	10.50	8.50	1 4.00	30.00	25.00	17.00	28	
15	13	8.50	1 0.97	14.50	12.50	1 6.13	35.00	29.00	25.00	29	
7	9	5.50	1 0.89	10	8	1 5.84	22.00	20.00	12.00	30	
8	7.66	5.75	1 1.61	10	8	1 6.16	29.00	22.00	17.00	31	
11	13	8	1 0.52	12	10	1 3.16	32.00	27.00	20.00	32	
24	32	18.50	..... 8.85	18.75	16.75	..... 8.01	50.00	45.00	35.00	33
9	10	6	1 4.45	9.50	8	1 9.27	25.00	22.00	13.00	34	
10	10	6.50	1 0.40	10.50	8.50	1 3.60	30.00	25.00	17.00	35	
22	30	13	..... 6.14	19.75	17.75	..... 8.39	55.00	45.00	27.00	36
19.50	25	11.50	..... 6.46	18	16	..... 8.98	49.00	41.00	27.00	37
17	20	12	..... 8.39	16	14	..... 9.79	40.00	35.00	27.00	38
22	24	14	..... 9.15	16.50	14.50	..... 9.47	45.00	40.00	32.00	39
13	13	7	1 2.28	11	9	1 5.79	30.00	26.00	20.00	40	
24	32	18.50	..... 8.28	19.50	17.50	..... 7.83	55.00	45.00	35.00	41
17.50	21	11	..... 7.69	16	14	..... 9.79	40.00	35.00	27.00	42
6	6	4.50	2 2.50	7	6	3 0.09	16.50	15.00	9.00	43	

TABLE VIII.—RAILROAD TARIFF

SHOWING distances from Kansas City or St. Joseph, Missouri, Atchison or Leavenworth, Kansas, any railroad line operated

Between KANSAS CITY, MO., ST. JOSEPH, MO., ATCHISON, KAS., LEAVENWORTH, KAS., And		Distance in miles	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.	Second class.	Third class.	Fourth class.	Fifth class.	Class A.	Class B.	Class C.	Class D.	Class E.
44	Hill City.....	324	72	64	59	52	44	37	24	22	18	13
45	Holton.....	55	29	24	19	15	12	12	10	8	8	6
46	Howard.....	204	64	56	50	39	35	32	23	18	15	11
47	Hoxie.....	357	79	71	65	55	49	40	29	25	20	15.50
48	Hutchinson.....	234	66	58	50	41	36	32.50	24	20	16	12
49	Independence.....	166	52	47	42	31	26	26	21	13	13	10
50	Ingalls.....	393	93	82	74	65	58	50	35	29	26	18
51	Iola.....	110	49	40	35	23	20	22	17	10	9	7.50
52	Jetmore.....	354	87	79	70	60	52	44	30	26	23	17
53	Julian, Neb.....	140	40	30	25	20	13	17	12.50	10	9	7
54	Junction City.....	139	50	45.50	37	28	24	23	18	14	11	7.50
55	Kingman.....	273	69	61	53	44	38	34.50	25	21	18	13
56	Kinsley.....	332	78	71	63	55	48	40	28	23	20	16
57	Lawrence.....	34	25	20	15	13	7	9	8	7	6	5
58	Larned.....	308	72	64	55	47	40	36.50	26	23	20	14
59	Leoti.....	430	90	81	73	60	54	46	38	29	23	18
60	Lincoln Center.....	221	58	52	46	35	31	28	21	18	13.50	10.50
61	Lincoln, Neb.....	206	40	35	25	22.50	16	17	13	11	9	7
62	Lyndon.....	83	35	31	25	21	17	16	12	10	9	7
63	Lyons.....	251	61	56	50	40	35	32	24	20	16	12
64	McPherson.....	196	61	56	50	40	35	32	24	20	16	12
65	Manhattan.....	119	40	35	28	23	19	17	13	11	9	7
66	Mankato.....	191	53	47.50	40	32	27.50	26	19.50	16	12	9
67	Manley, Neb.....	181	40	30	25	20	13	17	12.50	10	9	7
68	Marion.....	172	52	47	40	32	27.50	26	19	16	12	8.50
69	Meade Center.....	363	90	80	70	61	54	46	32	27	26	18
70	Medicine Lodge.....	329	80	67	59	51	44	41	27	23	22	16
71	Minneapolis.....	195	56	50	42.50	34	29	27	21	17	13	10
72	Mound Valley.....	149	50	45	40	30	25	25	20	10	10	8
73	Ness City.....	350	74	66	61	54	46	39	26	24	18	13
74	Newton.....	201	58	52	45	36	31	30	22	18	14	10.50
75	Norton.....	318	72	64	59	52	44	37	24	22	18	13
76	Oberlin.....	347	80	72	67	56	50	41	30	25	20	16
77	Olathe.....	21	20	18	16	13	9	9	7	6	5	3.50
78	Omaha, Neb.....	212	40	30	25	20	13	17	12.50	10	9	7
79	Osborne.....	218	56	50	43	34	29	27	21.50	17	14	10
80	Ottawa.....	58	29	24	19	15	12	12	10	8	7	5.50
81	Paula.....	43	28	22	17	14	12	12	10	8	7	5
82	Paul, Neb.....	145	40	30	25	20	13	17	12.50	10	9	7
83	Phillipsburg.....	283	61	56	51	46	38	32	24	21	16	11.50
84	Pleasanton.....	74	35	27	22	16	13	15	12	8	7	5.25
85	Pratt.....	276	74	67	57	48	42	36	25	22	18	13.50
86	Rush Center.....	318	66	58	53	48	42	34	26	22	16	13

RATES AND DISTANCES—CONTINUED.

sas, to points named; also rates on merchandise and car-load freights between said points via between the stations named.

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers.....	
Lumber, lath, shingles, fence posts (cedar), sash, doors, blinds, moulding, bed slats, sawdust.....	Salt in barrels, sacks, or bulk.....	Soft coal, lump or nut.....	Rate per ton per mile on soft coal.....		Wheat, oat meal, flour, flax seed, hemp seed, millet seed, broom-corn seed, castor beans.....	Corn, oats, barley, rye, corn meal, bran, mill feed, mill stuffs, chop, sorghum seed, grain screenings, oat hulls..	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....	Horses and mules.....	Cattle and hogs.....	Sheep, single-deck car.....		
			Cts	Mills								Cts	Mills
16.50	23	11	.....	6.79	16	14	.....	8.64	44.00	35.00	25.00	44
7	8	4	1	4.54	7	6	2	1.82	17.00	15.00	13.50	45
17	17	9	.....	8.82	15.25	13.25	1	2.99	37.00	32.00	27.00	46
18.50	25	12	.....	6.72	18	16	.....	8.68	48.00	38.00	25.00	47
17	13	10	.....	8.55	15.50	13.50	1	1.54	40.00	35.00	27.00	48
11	14	8	.....	9.64	12	10	1	2.05	33.00	28.00	21.00	49
24	30	18.50	.....	9.41	18.25	16.25	.....	8.27	49.00	43.00	35.00	50
10	10	6.50	1	1.81	10.50	8.50	1	5.45	30.00	25.00	17.00	51
23	26	17	.....	9.32	17.50	15.50	.....	8.75	45.00	40.00	30.00	52
8.50	10	7.50	*	6.66	12	10	1	4.28	30.00	28.00	16.80	53
12	13	8.50	1	2.23	12.50	10.50	1	5.10	32.00	25.00	18.00	54
18	21	10	.....	7.32	16	14	1	0.25	40.00	35.00	28.00	55
22	24	15	.....	9.04	16.50	14.50	.....	8.74	45.00	40.00	32.00	56
5	6.66	3	1	7.65	7	6	3	5.29	16.00	13.00	12.50	57
20	23	12	.....	7.79	16.25	14.25	.....	9.25	43.00	38.00	28.00	58
21	29	16.50	.....	7.67	19.25	17.25	.....	8.02	55.00	45.00	29.00	59
15	16	10.50	.....	9.50	15.50	13.50	1	2.22	40.00	35.00	25.00	60
10.50	10	7.15	*	4.91	14	12	1	1.66	33.00	30.00	18.00	61
9	10	6	1	4.47	9	8	1	9.27	22.00	18.00	16.00	62
17	17	10.50	.....	8.37	15.50	13.50	1	0.75	40.00	35.00	25.00	63
15	13	9	.....	9.18	15.25	13.25	1	3.52	40.00	35.00	25.00	64
9	10	6.50	1	0.92	11	9	1	5.13	30.00	25.00	18.00	65
12	15	9	.....	9.42	14	12	1	2.56	40.00	30.00	18.00	66
8.50	10	7.50	*	5.63	13	11	1	2.15	33.00	30.00	18.00	67
13	13	8.50	.....	9.88	14.50	12	1	3.95	35.00	30.00	22.00	68
24	28	15.50	.....	8.40	18.25	16.25	.....	8.81	45.00	40.00	35.00	69
22	25	11.75	.....	7.14	16.50	14	.....	8.51	42.50	37.50	32.00	70
13	15	9	.....	9.23	15	13	1	3.33	40.00	30.00	18.00	71
10	13	7	.....	9.39	12	10	1	7.45	32.00	27.00	20.00	72
18	23	12.50	.....	7.14	16	14	.....	8.00	45.00	38.00	27.00	73
15	13	8.50	.....	8.45	15	13	1	2.93	40.00	35.00	25.00	74
15.50	23	12	.....	7.55	16	14	.....	8.80	44.00	34.00	20.40	75
18.50	26	12.50	.....	7.20	18	16	.....	9.22	48.00	38.00	23.00	76
5	3.66	3.25	3	0.95	6	5	4	7.62	14.00	10.00	8.00	77
8.50	10	7.50	*	5.08	14	12	1	1.32	33.00	30.00	18.00	78
13	16	10.50	.....	9.63	15.50	13.50	1	2.38	40.00	31.00	19.00	79
7	8	3.75	1	2.93	7	6	2	0.69	17.00	16.00	13.50	80
6	5	3.75	1	7.44	7	6	2	7.91	17.00	15.00	12.00	81
8.50	10	7.50	*	6.52	12	10	1	3.79	33.00	30.00	18.00	82
13.50	20	10.25	.....	7.24	16	14	.....	9.89	40.00	30.00	18.00	83
7.75	7.33	4.50	1	2.16	8.50	7.50	2	0.27	23.00	20.00	16.00	84
20	22	11.25	.....	8.15	16	14	1	0.14	40.00	35.00	30.00	85
18	22	12.50	.....	7.86	16	14	.....	8.81	40.00	35.00	27.00	86

TABLE VIII.—RAILROAD TARIFF

SHOWING distances from Kansas City or St. Joseph, Missouri, Atchison or Leavenworth, Kan—any railroad line operated

Between KANSAS CITY, MO., ST. JOSEPH, MO., ATCHISON, KAS., LEAVENWORTH, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
87	Russell.....	263	64	58	50	40	35	32.50	24	21	16	12
88	Salina.....	186	56	50	42.50	34	29	27	21	17	13	10
89	Scandia.....	170	51	45.50	38	30	26	25	18	15.50	11	7.50
90	Scott City	406	81	74	68	57	51	42	34	27	20	16.50
91	Sedan.....	204	62	57	50	37	33	31	23	16	13	12
92	Sharon Springs....	429	89	80	72	60	54	47	39	30	23	19
93	Springfield, Neb...	193	40	30	25	20	13	17	12.50	10	9	7
94	Smith Center.....	254	56	50	43	36	31	28	21	17	14	10
95	Stafford.....	273	69	61	53	44	38	34.50	25	22	18	13
96	Stella, Neb.....	117	33	25	22	18	13	13	11	8	8	6
97	Stockton.....	250	61	56	51	46	39	32	24	21	16	11.50
98	Strong City.....	148	51	43	36	28	24	23	18	15	11	7.50
99	Syracuse.....	470	94	84	77	65	59	51	41	32	26	19
100	Valley Falls.....	36	24	20	15	13	10	10	8	7	6	4.50
101	Verdon, Neb.....	111	30	23	20	17	13	12	10	8	8	6
102	Wakeeney.....	321	74	66	61	54	46	39	26	24	18	13
103	Walton, Neb.....	197	40	35	25	22.50	16	17	13	11	9	7
104	Wamego.....	104	37	34	28	23	19	17	13	11	9	7
105	Washington.....	120	45	39	35	25.50	21.50	21	14.50	12.50	10	7.50
106	Wellington.....	261	73	63	55	47	40	36.50	25	21	17	12.50
107	Wesphalia.....	101	43	38	34	25	18	18	16	10	9	7.50
108	Wichita.....	222	66	58	50	41	36	32.50	24	20	16	12
109	Winfield.....	247	73	63	55	47	40	36.50	25	21	17	12.50
110	Winona.....	398	87	79	71	59	53	46	37	29	23	17
111	Yates Center.....	124	52	43	38	28	23	22	17	12	11	9
112	Berlin, Neb.....	160	40	30	25	20	13	17	12.50	10	9	7
113	Brock, Neb.....	169	40	30	25	20	13	17	12.50	10	9	7

RATES AND DISTANCES—CONCLUDED.

sas, to points named; also rates on merchandise and car-load freights between said points via between the stations named.

COMMODITIES, CAR-LOADS. Minimum weight, 20,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.			Station numbers.....		
Lumber, lath, shingles, fence posts (cedar), sash, doors, blinds, moulding, bed slats, sawdust.....	Salt in barrels, sacks, or bulk.....	Soft coal, lump or nut.....	Rate per ton per mile on soft coal.....		Wheat, oat meal, flour, flax seed, hemp seed, millet seed, broom-corn seed, castor beans.....	Corn, oats, barley, rye, corn meal, bran, mill feed, mil luffs, chop, sorghum seed, grain screenings, oat hulls..	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....		Horses and mules.....	Cattle and hogs.....	Sheep, single-deck car....	
			Cts	Mills			Cts	Mills				
17	20	11	.....	8.36	16	14	1	0.64	40.00	35.00	25.00	87
13	13	8.50	.....	9.14	15	13	1	3.98	40.00	30.00	20.00	88
12	15	9	1	0.59	14	12	1	4.12	40.00	30.00	18.00	89
20	26	14.50	.....	7.14	18.50	16.50	.....	8.12	55.00	45.00	27.00	90
15	18.66	9	.....	8.82	15.25	12	1	1.77	35.00	30.00	25.00	91
22	30	13	.....	6.06	19.75	17.75	.....	8.27	55.00	45.00	30.00	92
8.50	10	7.50	.....	* 5.39	14	12	1	2.43	33.00	30.00	18.00	93
13.50	17	10	.....	7.87	15.75	13.75	1	0.82	40.00	30.00	18.00	94
18	21	11.25	.....	8.24	16	14	1	0.26	40.00	35.00	28.00	95
8.50	10	7	.....	* 6.93	10	9	1	5.38	24.20	22.00	13.20	96
16.50	21	10.75	.....	8.60	16	14	1	1.20	43.00	33.00	21.00	97
12	13	8	1	0.81	12.50	10.50	1	4.19	30.00	25.00	18.00	98
24	32	18.50	.....	7.87	20	18	.....	7.66	55.00	45.00	35.00	99
6	5	3.75	2	0.83	6.50	6	3	3.33	10.00	10.00	10.00	100
8.50	10	6.50	1	1.72	10	9	1	7.11	23.10	21.00	12.60	101
17.50	23	11.25	.....	7.01	16	14	.....	8.72	45.00	38.00	27.00	102
10.50	10	7.15	.....	* 5.07	14	11	1	1.17	33.00	30.00	18.00	103
9	10	6.50	1	2.50	10.50	8.50	1	6.35	28.00	23.00	18.00	104
9	12	8	1	3.33	11.50	9.50	1	5.83	35.00	30.00	18.00	105
18	21	9	.....	6.89	15.75	13.75	1	0.53	40.00	35.00	30.00	106
9	10	7	1	3.86	10	8.50	1	6.83	28.00	24.00	18.00	107
17	13	8.50	.....	7.65	15.50	13.50	1	2.16	40.00	35.00	27.00	108
18	21	9	.....	7.28	15.75	13.75	1	1.13	40.00	35.00	28.00	109
21	29	12	.....	6.03	19	17	.....	8.54	55.00	45.00	27.00	110
11	13	7	1	1.29	11.50	9	1	4.51	31.00	36.00	20.00	111
8.50	10	7.15	.....	* 5.83	12	10	1	2.50	33.00	30.00	18.00	112
8.50	10	7.15	.....	* 5.63	12	10	1	1.83	30.80	28.00	16.80	113

* From Rich Hill, Mo., add 85 miles to the distance given.

AUTHORITIES FOR RATES QUOTED.

Atchison, Topeka & Santa Fé Railroad Company: Tariffs No. 3-L, December 20, 1890, No. 6-G, December 1, 1890, and Coal Tariff No. 9-E.

Missouri Pacific Railroad Company: Tariffs No. 1231, February 15, 1891, No. 1234, March 1, 1891, and Coal Tariff No. 427-B.

Union Pacific Railroad Company: Tariffs Nos. M-775, and S-321.

Chicago, Rock Island & Pacific Railroad Company: Tariffs No. 295, April 30, 1890, No. 325, November 3, 1890, No. 297-A, September 1, 1890, No. 303, June 1, 1890, and No. 296, April 30, 1890.

TABLE IX.—REASONABLE MAXIMUM

SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kansas, to said points, authorized by House bill No. 743, passed the Kansas House of Rep-

Between KANSAS CITY, KAS., LEAVENWORTH, KAS., ATCHISON, KAS., or ELWOOD, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
1	Abilene.....	163	45	39	31	23.50	17.75	16.25	13.50	11.50	9.40	7.40
2	Alma.....	104	33	27	22	17.50	13.75	12.75	10.50	8.80	7.40	5.40
3	Anthony.....	282	68	54	42	31.50	23.50	22	19	16.60	14	12
4	Arkalon.....	395	80	66	54	37.50	29.50	28	25	21.40	18.80	16.80
5	Ashland.....	394	79	65	53	37	29	27.50	24.50	21	18.40	16.40
6	Atwood.....	374	77	63	51	36	28	26.50	23.50	20.20	17.60	15.60
7	Beloit.....	184	49	43	33	25.50	18.75	17.25	14.50	12.50	10.20	8.20
8	Benton.....	209	54	47	35	28	20	18.50	15.75	13.75	11.20	9.20
9	Bird City.....	401	80	66	54	37.50	29.50	23	25	21.40	18.80	16.80
10	Blaine.....	96	31	25	20	16.50	13.25	12.25	10	8.40	7.20	5.25
11	Blue Mound.....	117	35	29	23	18.50	14.25	13.25	11	9.20	7.60	5.60
12	Blue Rapids.....	95	31	25	20	16.50	13.25	12.25	10	8.40	7.20	5.25
13	Buffalo.....	140	40	34	28	21	16	14.50	12.25	10.25	8.40	6.40
14	Burlington.....	104	33	27	22	17.50	13.75	12.75	10.50	8.80	7.40	5.40
15	Clay Center.....	147	41	35	29	21.50	16.50	15	12.50	10.50	8.60	6.60
16	Colby.....	390	79	65	53	37	29	27.50	24.50	21	18.40	16.40
17	Coldwater.....	368	77	63	51	36	28	26.50	23.50	20.20	17.60	15.60
18	Columbus.....	148	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
19	Concordia.....	155	43	37	30	22.50	17.25	15.75	13	11	9	7
20	Corning.....	55	23	17	15	12.50	10.50	9.50	7.75	6.75	6	4.50
21	Council Grove.....	152	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
22	Dighton.....	381	78	64	52	36.50	28.50	27	24	20.60	18	16
23	Dodge City.....	368	77	63	51	36	28	26.50	23.50	20.20	17.60	15.60
24	Dresden.....	350	75	61	49	35	27	25.50	22.50	19.40	16.80	14.80
25	El Dorado.....	195	51	45	34	26.50	19.25	17.75	15	13	10.60	8.60
26	Ellsworth.....	223	56	48	36	28.50	20.50	19	16.25	14.20	11.60	9.60
27	Emporia.....	113	35	29	23	18.50	14.25	13.25	11	9.20	7.60	5.60
28	Erie.....	120	36	30	24	19	14.50	13.50	11.25	9.40	7.70	5.70
29	Eureka.....	155	43	37	30	22.50	17.25	15.75	13	11	9	7
30	Fort Scott.....	99	32	26	21	17	13.50	12.50	10.25	8.60	7.30	5.30
31	Fredonia.....	152	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
32	Garden City.....	418	82	68	56	38.50	30.50	29	26	22.20	19.60	17.60
33	Garnett.....	83	29	23	18	15.50	12.50	11.50	9.50	8	7	5.10
34	Girard.....	125	37	31	25	19.50	14.75	13.75	11.50	9.60	7.80	5.80
35	Goodland.....	423	82	68	56	38.50	30.50	29	26	22.20	19.60	17.60
36	Grainfield.....	356	76	62	50	35.50	27.50	26	23	19.80	17.20	15.20
37	Great Bend.....	286	69	55	43	32	24	22.50	19.50	17	14.40	12.40
38	Greensburg.....	306	71	57	45	33	25	23.50	20.50	17.80	15.20	13.20
39	Gridley.....	114	35	29	23	18.50	14.25	13.25	11	9.20	7.60	5.60
40	Hartland.....	447	85	71	59	40	32	30.50	27.50	23.40	20.80	18.80
41	Hays City.....	286	69	55	43	32	24	22.50	19.50	17	14.40	12.40
42	Hiawatha.....	40	20	15.50	13.50	11	9	8	7	6	5.40	4.20
43	Hill City.....	324	72	58	46	33.50	25.50	24	21	18.20	15.60	13.60

FREIGHT RATES, HOUSE BILL No. 743.

with reasonable maximum rates on merchandise and car-load freights between said stations, as representatives February, 1891, but killed in the Republican Senate.

COMMODITIES, CAR-LOADS. Minimum weight, 24,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.			Station numbers.....	
Hard and soft lumber, shingles, laths, doors, sash, blinds, mouldings, fence posts.....	Salt, lime, cement, stucco and plaster, in sacks, barrels, or bulk..... (See Note 2.)	Soft coal, lump or nut..... (See Note 1.)	Rate per ton per mile on soft coal.....		Wheat, oat meal, flour, flax seed, castor beans, hemp seed, millet seed..... (See Note 3.)	Corn, oats, barley, rye, corn meal, bran, sorghum seed, chop feed, grain screenings, mill stuffs.....	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....	Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car.....
			Cts	Mills							
9.30	8.75	6.40	.....	7.85	11.20	8.40	1 0.31	34.00	29.00	20.25	1
7.60	7	5.20	1 0.00	9	9	7.20	1 3.84	28.00	23.00	17.25	2
11.90	11	8.70	.....	6.17	13.50	10.70	.....	7.59	41.50	26.00	3
14.20	13.40	11	.....	5.57	15.90	13	.....	6.58	47.50	29.50	4
14	13.20	10.90	.....	5.53	15.70	12.80	.....	6.50	47.00	29.25	5
13.60	12.80	10.50	.....	5.61	15.30	12.40	.....	6.63	46.00	40.00	6
9.90	9.20	6.80	.....	7.39	11.60	8.80	.....	9.57	36.00	21.25	7
10.50	9.70	7.30	.....	6.98	12.10	9.30	.....	8.90	38.00	22.50	8
14.20	13.40	11	.....	5.49	15.90	13	.....	6.48	47.50	29.50	9
7.30	6.75	4.95	1 0.32	8.60	7	7	1 4.58	26.50	22.00	16.50	10
7.90	7.30	5.40	.....	9.23	9.40	7.40	1 2.65	28.00	24.00	17.75	11
7.30	6.75	4.95	1 0.42	8.60	7	7	1 4.73	26.50	22.00	16.50	12
8.60	8	6.90	.....	9.86	10.40	7.90	1 1.29	31.50	26.50	19.00	13
7.60	7	5.20	1 0.00	9	9	7.20	1 3.84	28.00	23.00	17.25	14
8.75	8.15	6	.....	8.16	10.60	8	1 0.88	32.00	27.00	19.25	15
14	13.20	10.90	.....	5.59	15.70	12.80	.....	6.56	47.00	29.25	16
13.60	12.80	10.50	.....	5.71	15.30	12.40	.....	6.74	46.00	28.75	17
8.90	8.30	6.10	.....	8.24	10.80	8.10	1 0.94	32.50	27.50	19.50	18
9	8.45	6.20	.....	8.00	11	8.20	1 0.58	33.00	28.00	19.75	19
5.80	5.40	3.75	1 3.63	7	7	6	2 1.82	20.00	17.00	12.50	20
8.90	8.30	6.10	.....	8.03	10.80	8.10	1 0.66	32.50	27.50	19.50	21
13.80	13	10.70	.....	5.62	15.50	12.60	.....	6.61	46.50	29.00	22
13.60	12.80	10.50	.....	5.71	15.30	12.40	.....	6.74	46.00	28.75	23
13.20	12.40	10.10	.....	5.77	14.90	12	.....	6.85	45.00	28.25	24
10.15	9.40	7	.....	7.18	11.80	9	.....	9.23	37.00	21.75	25
10.70	9.90	7.50	.....	6.73	12.30	9.50	.....	8.52	38.50	23.00	26
7.90	7.30	5.40	.....	9.56	9.40	7.40	1 3.10	29.00	24.00	17.75	27
8	7.45	5.50	.....	9.17	9.60	7.50	1 2.50	29.50	24.50	18.00	28
9	8.45	6.20	.....	8.00	11	8.20	1 0.58	33.00	28.00	19.75	29
7.45	6.90	5.10	1 0.30	8.80	8.80	7.10	1 4.34	27.25	22.50	17.00	30
8.90	8.30	6.10	.....	8.02	10.80	8.10	1 0.66	32.50	27.50	19.50	31
14.60	13.80	11.20	.....	5.36	16.30	13.40	.....	6.41	48.50	30.00	32
7	6.45	4.65	1 1.20	8.20	8.20	6.80	1 6.38	25.00	21.00	15.50	33
8.15	7.60	5.60	.....	8.96	9.80	7.60	1 2.16	30.00	25.00	18.25	34
14.60	13.80	11.20	.....	5.30	16.30	13.40	.....	6.34	48.50	30.00	35
13.40	12.60	10.30	.....	5.79	15.10	12.20	.....	6.85	45.50	28.50	36
12	11.20	8.90	.....	6.22	13.70	10.90	.....	7.62	42.00	26.50	37
12.40	11.60	9.30	.....	6.08	14.10	11.30	.....	7.39	43.00	27.25	38
7.90	7.30	5.40	.....	9.47	9.40	7.40	1 2.98	29.00	24.00	17.75	39
15.20	14.40	11.50	.....	5.14	16.90	14	.....	6.26	50.00	30.75	40
12	11.20	8.90	.....	6.22	13.70	10.90	.....	7.62	42.00	26.50	41
5.20	4.80	3.30	1 6.50	6.25	5.40	5.40	2 7.00	17.00	14.75	11.00	42
12.60	11.80	9.50	.....	5.86	14.30	11.50	.....	7.10	43.50	27.50	43

TABLE IX.—REASONABLE MAXIMUM FREIGHT

SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kas., to said points, authorized by House bill No. 743, passed the Kansas House of Rep-

Between KANSAS CITY, KAS., LEAVENWORTH, KAS., ATCHISON, KAS., or ELWOOD, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
44	Holton.....	55	23	17	15	12.50	10.50	9.50	7.75	6.75	6	4.50
45	Howard.....	204	52	46	34.50	27	19.50	18	15.25	13.25	10.80	8.80
46	Hoxie.....	357	76	62	50	35.50	27.50	26	23	19.80	17.20	15.20
47	Hutchinson.....	234	58	49	37	29	21	19.50	16.75	14.60	12	10
48	Independence.....	166	45	39	31	23.50	17.75	16.25	13.50	11.50	9.40	7.40
49	Ingalls.....	393	79	65	53	37	29	27.50	24.50	21	18.40	16.40
50	Iola.....	110	34	28	22.50	18	14	13	10.75	9	7.50	5.50
51	Junction City.....	139	40	34	28	21	16	14.50	12.25	10.25	8.40	6.40
52	Jetmore.....	354	75	61	49	35	27	25.50	22.50	19.40	16.80	14.80
53	Kingman.....	273	66	53	41	31	23	21.50	18.50	16.20	13.60	11.60
54	Kinsley.....	332	73	59	47	34	26	24.50	21.50	18.60	16	14
55	Lawrence.....	34	19	15	13	10.50	8.50	7.75	6.50	5.75	5.20	4.10
56	Larned.....	308	71	57	45	33	25	23.50	20.50	17.80	15.20	13.20
57	Leoti.....	430	83	69	57	39	31	29.50	26.50	22.60	20	18
58	Lincoln Center.....	221	56	48	36	28.50	20.50	19	16.25	14.20	11.60	9.60
59	Lyndon.....	83	29	23	18	15.50	12.50	11.50	9.50	8	7	5.10
60	Lindsborg.....	207	54	47	35	28	20	18.50	15.75	13.75	11.20	9.20
61	Lyons.....	251	62	51	39	30	22	20.50	17.50	15.40	12.80	10.80
62	McPherson.....	196	51	45	34	26.50	19.25	17.75	15	13	10.60	8.60
63	Manhattan.....	119	36	30	24	19	14.50	13.50	11.25	9.40	7.70	5.70
64	Mankato.....	191	50	44	33.50	26	19	17.50	14.75	12.75	10.40	8.40
65	Marion.....	172	46	40	31.50	24	18	16.50	13.75	11.75	9.60	7.60
66	Meade Center.....	369	78	63	51	36	28	26.50	23.50	20.20	17.60	15.60
67	Medicine Lodge.....	329	73	59	47	34	26	24.50	21.50	18.60	16	14
68	Minneapolis.....	195	51	45	34	26	19.25	17.75	15	13	10.60	8.60
69	Mound Valley.....	149	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
70	Neal.....	148	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
71	Neodesha.....	164	45	39	31	23.50	17.75	16.25	13.50	11.50	9.40	7.40
72	Ness City.....	350	75	61	49	35	27	25.50	22.50	19.40	16.80	14.80
73	Newton.....	201	52	46	34.50	27	19.50	18	15.25	13.25	10.80	8.80
74	Norton.....	318	72	58	46	33.50	25.50	24	21	18.20	15.60	13.60
75	Oberlin.....	347	75	61	49	35	27	25.50	22.50	19.40	16.80	14.80
76	Olathe.....	21	16	13.50	11.50	9.50	7	7	6	5.10	4.50	3.50
77	Osborne.....	218	56	48	36	28.50	20.50	19	16.25	14.20	11.60	9.60
78	Ottawa.....	58	24	18	15.50	13	11	10	8	7	6.20	4.60
79	Paola.....	43	21	16	14	11.50	9.50	8.50	7.25	6.25	5.60	4.30
80	Parsons.....	137	39	33	27	20.50	15.50	14.25	12	10	8.25	6.20
81	Peru.....	198	52	46	34.50	27	19.50	18	15.25	13.25	10.80	8.80
82	Phillipsburg.....	283	68	54	42	31.50	23.50	22	19	16.60	14	12
83	Pleasanton.....	74	27	21	17	14.50	12	11	9	7.60	6.60	4.90
84	Pratt.....	276	68	54	42	31.50	23.50	22	19	16.60	14	12
85	Reece.....	171	46	40	31.50	24	18	16.50	13.75	11.75	9.60	7.60
86	Rush Center.....	318	72	58	46	33.50	25.50	24	21	18.20	15.60	13.60

RATES, HOUSE BILL No. 743 — CONTINUED.

with reasonable maximum rates on merchandise and car-load freights between said stations, as representatives February, 1891, but killed in the Republican Senate.

COMMODITIES, CAR-LOADS. Minimum weight, 24,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.				Station numbers.....	
Hard and soft lumber, shingles, laths, doors, sash, blinds, mouldings, fence posts.....	Salt, lime, cement, stucco and plaster, in sacks, barrels, or bulk..... (See Note 2.)	Soft coal, lump or nut..... (See Note 1.)	Rate per ton per mile on soft coal.....		Wheat, oat meal, flour, flax seed, castor beans, hemp seed, millet seed..... (See Note 3.)	Corn, oats, barley, rye, corn meal, bran, sorghum seed, chop-feed, grain screenings, mill stuffs.....	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....		Horses and mules.....	Cattle and hogs.....		Sheep, single-deck car.....
			Cts	Mills			Cts	Mills				
5.80	5.40	3.75	1	3.63	7	6	2	1.82	20.00	17.00	12.50	44
10.30	9.50	7.10	.....	6.96	11.90	9.10	.....	8.92	37.50	31.50	22.00	45
13.40	12.60	10.30	.....	5.77	15.10	12.20	.....	6.83	45.50	39.50	28.50	46
10.90	10	7.70	.....	6.58	12.50	9.70	.....	8.29	39.00	33.00	23.50	47
9.30	8.75	6.40	.....	7.71	11.20	8.40	1	0.12	34.00	29.00	20.25	48
14	13.20	10.90	.....	5.55	15.70	12.80	.....	6.51	47.00	41.00	29.25	49
7.75	7.15	5.30	.....	9.63	9.20	7.30	1	3.27	28.50	23.50	17.50	50
8.60	8	6.90	.....	9.93	10.40	7.90	1	1.37	31.50	26.50	19.00	51
13.20	12.40	10.10	.....	5.71	14.90	12	.....	6.78	45.00	39.00	28.25	52
11.70	10.80	8.50	.....	6.23	13.30	10.50	.....	7.69	41.00	35.00	25.50	53
12.80	12	9.70	.....	5.84	14.50	11.70	.....	7.05	44.00	38.00	27.75	54
5	4.60	3.15	1	8.53	6	5.20	3	0.59	16.00	14.00	10.50	55
12.40	11.60	9.30	.....	6.04	14.10	11.30	.....	7.34	43.00	37.00	27.25	56
14.80	14	11.30	.....	5.26	16.50	13.60	.....	6.33	49.00	43.00	30.25	57
10.70	9.90	7.50	.....	6.79	12.30	9.50	.....	8.60	38.50	32.50	23.00	58
7	6.45	4.65	1	1.20	8.20	6.80	1	6.38	25.00	21.00	15.50	59
10.50	9.70	7.30	.....	7.05	12.10	9.30	.....	8.98	38.00	32.00	22.50	60
11.30	10.40	8.10	.....	6.45	12.90	10.10	.....	8.05	40.00	34.00	24.50	61
10.15	9.40	7	.....	7.14	11.80	9	.....	9.18	37.00	31.25	21.75	62
8	7.45	5.50	.....	9.24	9.60	7.50	1	2.60	29.50	24.50	18.00	63
10	9.30	6.90	.....	7.22	11.70	8.90	.....	9.32	36.50	31.00	21.50	64
9.45	8.90	6.60	.....	7.56	11.30	8.50	.....	9.88	34.50	29.50	20.50	65
13.60	12.80	10.50	.....	5.69	15.30	12.40	.....	6.72	46.00	40.00	28.75	66
12.80	12	9.70	.....	5.89	14.50	11.70	.....	7.11	44.00	38.00	27.75	67
10.15	9.40	7	.....	7.18	11.80	9	.....	9.23	37.00	31.50	21.75	68
8.90	8.30	6.10	.....	8.19	10.80	8.10	1	0.80	32.50	27.50	19.50	69
8.90	8.30	6.10	.....	8.24	10.80	8.10	1	0.94	32.50	27.50	19.50	70
9.30	8.75	6.40	.....	7.80	11.20	8.40	1	0.24	34.00	29.00	20.25	71
13.20	12.40	10.10	.....	5.77	14.90	12	.....	6.85	45.00	39.00	28.25	72
10.30	9.50	7.10	.....	7.06	11.90	9.10	.....	9.05	37.50	31.50	22.00	73
12.60	11.80	9.50	.....	5.97	14.30	11.50	.....	7.23	43.50	37.50	27.50	74
13.20	12.40	10.10	.....	5.82	14.90	12	.....	6.92	45.00	39.00	28.25	75
4.25	4	2.60	2	4.76	5.25	4.50	4	2.85	13.00	11.00	9.00	76
10.70	9.90	7.50	.....	6.88	12.30	9.50	.....	8.72	38.50	32.50	23.00	77
6	5.60	3.90	1	3.45	7.20	6.15	2	1.20	21.00	17.75	13.00	78
5.40	5	3.45	1	6.04	6.50	5.60	2	6.04	18.00	15.50	11.50	79
8.45	7.90	5.80	.....	8.47	10.20	7.80	1	1.39	31.00	26.00	18.75	80
10.30	9.50	7.10	.....	7.17	11.90	9.10	.....	9.19	37.50	31.50	22.00	81
11.90	11	8.70	.....	6.15	13.50	10.70	.....	7.59	41.50	35.50	26.00	82
6.60	6.15	4.35	1	1.76	7.80	6.50	1	7.57	23.50	20.00	14.50	83
11.90	11	8.70	.....	6.30	13.50	10.70	.....	7.75	41.50	35.50	26.00	84
9.45	8.90	6.50	.....	7.60	11.30	8.50	.....	9.93	34.50	29.50	20.50	85
12.60	11.80	9.50	.....	5.97	14.30	11.50	.....	7.23	43.50	37.50	27.50	86

TABLE IX.—REASONABLE MAXIMUM FREIGHT
SHOWING distances from Kansas City, Leavenworth, Atchison, or Elwood, Kas., to said points,
authorized by House bill No. 743, passed the Kansas House of Rep.

Between KANSAS CITY, KAS., LEAVENWORTH, KAS., ATCHISON, KAS., or ELWOOD, KAS., And		Distance in miles.....	In cents and fractional hundredths of a cent per 100 lbs.									
			MERCHANDISE.				CAR-LOADS. Minimum weight, 20,000 lbs.					
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....	Class C.....	Class D.....	Class E.....
87	Russell.....	263	64	52	40.	30.50	22.50	21	18	15.80	13.20	11.20
88	Salina.....	186	49	43	33	25.50	18.75	17.25	14.50	12.50	10.20	8.20
89	Scandia.....	170	46	40	31.50	24	18	16.50	13.75	11.75	9.60	7.60
90	Scott City.....	406	81	67	55	38	30	28.50	25.50	21.80	19.20	17.20
91	Sedan.....	203	52	46	34.50	27	19.50	18	15.25	13.25	10.80	8.80
92	Sharon Springs....	429	83	69	57	39	31	29.50	26.50	22.60	20	18
93	Smith Center.....	254	62	51	39	30	22	20.50	17.50	15.40	12.80	10.80
94	Stafford.....	273	66	53	41	31	23	21.50	18.50	16.20	13.60	11.60
95	Stockton.....	250	62	51	39	30	22	20.50	17.50	15.40	12.80	10.80
96	Strong City.....	143	42	36	29.50	22	17	15.50	12.75	10.75	8.80	6.80
97	Syracuse.....	470	87	73	61	41	33	31.50	28.50	24.20	21.60	19.60
98	Tonovay.....	154	43	37	30	22.50	17.25	15.75	13	11	9	7
99	Topeka.....	50	22	16.50	14.50	12	10	9	7.50	6.50	5.80	4.40
100	Toronto.....	141	40	34	28	21	16	14.50	12.25	10.25	8.40	6.40
101	Tribune.....	471	87	73	61	41	33	31.50	28.50	24.20	21.60	19.60
102	Valley Falls.....	36	19	15	13	10.50	8.50	7.75	6.50	5.75	5.20	4.10
103	Wakeeney.....	321	72	58	46	33.50	25.50	24	21	18.20	15.60	13.60
104	Wamego.....	104	33	27	22	17.50	13.75	12.75	10.50	8.80	7.40	5.40
105	Washington.....	120	36	30	24	19	14.50	13.50	11.25	9.40	7.70	5.70
106	Wellington.....	261	64	52	40	30.50	22.50	21	18	15.80	13.20	11.20
107	Westphalia.....	101	32	26	21	17	13.50	12.50	10.25	8.60	7.30	5.30
108	Wichita.....	222	56	48	36	28.50	20.50	19	16.25	14.20	11.60	9.60
109	Winfield.....	247	62	51	39	30	22	20.50	17.50	15.40	12.80	10.80
110	Winona.....	398	80	66	54	37.50	29.50	28	25	21.40	18.80	16.80
111	Yates Center.....	124	37	31	25	19.50	14.75	13.75	11.50	9.60	7.80	5.80

RATES, HOUSE BILL No. 743—CONCLUDED.

with reasonable maximum rates on merchandise and car-load freights between said stations, as resenatives February, 1891, but killed in the Republican Senate.

COMMODITIES, CAR-LOADS. Minimum weight, 24,000 lbs. In cents and fractional hundredths of a cent per 100 lbs.							LIVE-STOCK. Inside measure of car, 31 feet. In dollars and cents per car-load.			Station numbers.....		
Hard and soft lumber, shingles, laths, doors, sash, blinds, mouldings, fence posts	Salt, lime, cement, stucco and plaster, in sacks, barrels, or bulk..... (See Note 2.)	Soft coal, lump or nut..... (See Note 1.)	Rate per ton per mile on soft coal.....		Wheat, oat meal, flour, flax seed, castor beans, hemp seed, millet seed..... (See Note 3.)	Corn, oats, barley, rye, corn meal, bran, sorghum seed, chop feed, grain screenings, mill stuffs.....	Rate per ton per mile on corn, oats, rye, barley, bran, etc.....					
			Cts	Mills			Cts	Mills				
11.50	10.60	8.30	.....	6.31	13.10	10.30	.....	7.83	40.50	34.50	25.00	87
9.90	9.20	6.80	.....	7.20	11.60	8.80	.....	9.46	36.00	30.50	21.25	88
9.45	8.90	6.50	.....	7.65	11.30	8.50	1	0.00	34.50	29.50	20.50	89
14.40	13.60	11.10	.....	5.47	16.10	13.20	.....	6.50	48.00	42.00	29.75	90
10.30	9.50	7.10	.....	7.00	11.90	9.10	.....	8.96	37.50	31.50	22.00	91
14.80	14	11.30	.....	5.27	16.50	13.60	.....	6.34	49.00	43.00	30.25	92
11.30	10.40	8.10	.....	6.38	12.90	10.10	.....	7.95	40.00	34.00	24.50	93
11.70	10.80	8.50	.....	6.23	13.30	10.50	.....	7.69	41.00	35.00	25.50	94
11.30	10.40	8.10	.....	6.48	12.90	10.10	.....	8.08	40.00	34.00	24.50	95
8.90	8.30	6.10	.....	8.24	10.80	8.10	1	0.95	32.50	27.50	19.50	96
15.60	14.80	11.70	.....	5.00	17.30	14.40	.....	6.13	51.00	45.00	31.25	97
9	8.45	6.20	.....	8.05	11	8.20	1	0.65	33.00	28.00	19.75	98
5.60	5.20	3.60	1	4.40	6.75	5.80	2	3.20	19.00	16.25	12.00	99
8.60	8	6.90	.....	9.79	10.40	7.90	1	1.20	31.50	26.50	19.00	100
15.60	14.80	11.70	.....	4.97	17.30	14.40	.....	6.11	51.00	45.00	31.25	101
5	4.60	3.15	1	7.50	6	5.20	2	8.89	16.00	14.00	10.50	102
12.60	11.80	9.50	.....	5.92	14.30	11.50	.....	7.16	43.50	37.50	27.50	103
7.60	7	5.20	1	0.00	9	7.20	1	3.84	28.00	23.00	17.25	104
8	7.45	5.50	.....	9.16	9.60	7.50	1	2.50	29.50	24.50	18.00	105
11.50	10.60	8.30	.....	6.36	13.10	10.30	.....	7.89	40.50	34.50	25.00	106
7.45	6.90	5.10	1	0.10	8.80	7.10	1	4.06	27.25	22.50	17.00	107
10.70	9.90	7.50	.....	6.76	12.30	9.50	.....	8.56	38.50	32.50	23.00	108
11.30	10.40	8.10	.....	6.56	12.90	10.10	.....	8.18	40.00	34.00	24.50	109
14.20	13.40	11	.....	5.53	15.90	13	.....	6.50	47.50	41.50	29.50	110
8.15	7.60	5.60	.....	9.03	9.80	7.60	1	2.25	30.00	25.00	18.25	111

COMPARATIVE SUMMARY OF

AUTHORITIES FOR RATES QUOTED.	Number of stations compared.....	Total distance in miles.....	MERCHANDISE. In dollars and cents.				CAR-LOADS. In dollars and cents.		
			First class.....	Second class.....	Third class.....	Fourth class.....	Fifth class.....	Class A.....	Class B.....
Kansas Railroad Commissioners.....	111	24,835	82.52	73.49	64.77	54.24	48.35	41.27	31.20
Trans-Missouri Rly. Association.....	113	24,927	65.91	57.85	50.76	41.88	35.75	32.52	24.31
Per cent. over Railway Association..	.....	.....	25 $\frac{2}{10}$	26 $\frac{9}{10}$	27 $\frac{6}{10}$	29 $\frac{5}{10}$	35 $\frac{2}{10}$	26 $\frac{9}{10}$	28 $\frac{3}{10}$
Trans-Missouri Rly. Association.....	113	24,927	65.91	57.85	50.76	41.88	35.75	32.52	24.31
Kansas House bill No. 743.....	111	24,835	59.82	49.63	39.57	29.47	22.54	21.03	18.11
Per cent. over House bill No. 743.....	.....	.....	9 $\frac{2}{10}$	14 $\frac{2}{10}$	22	29 $\frac{6}{10}$	37	35 $\frac{3}{10}$	25 $\frac{5}{10}$

THE FOLLOWING DEDUCTIONS ARE REPRESENTED

Average rate of Railroad Commissioners..	223	74.3	66.1	58.3	48.9	43.6	37.2	28.1
Rate per ton per mile.....	1	6.6.64	5.9.28	5.2.29	4.3.86	3.9.10	3.3.36	2.5.20
Average rate of Railway Association.....	221	58.3	51.2	44.9	37.1	31.6	28.8	21.5
Rate per ton per mile.....	1	5.2.76	4.6.33	4.0.14	3.3.57	2.8.60	2.6.06	1.9.46
Average rate of House bill No. 743.....	223	53.9	44.7	35.6	26.6	20.3	19	16.3
Rate per mile per ton.....	1	4.8.84	4.0.09	3.1.93	2.3.86	1.8.21	1.7.04	1.4.62

TABLES VII, VIII, AND IX.

CAR-LOADS. In dollars and cents.			COMMODITIES IN CAR-LOADS. In dollars and cents.					LIVE STOCK IN CAR-LOADS. Inside measure, 31 feet. In dollars and cents.		
Class C.....	Class D.....	Class E.....	Lumber, lath, shingles, fence posts (cedar), sash, doors, blinds, mouldings, bed slats, sawdust.....	Salt in barrels, sacks, or bulk.....	Soft coal, lump or nut.....	Wheat, oat meal, flour, flax seed, hemp seed, millet seed, broom-corn seed, castor beans.....	Corn, oats, barley, rye, corn meal, bran, mill feed, mill stuffs, chop, sorghum seed, grain screenings, oat hulls..	Horses and mules.....	Cattle and hogs.....	Sheep, single-deck car.....
25.84 19.51	19.91 16.18	15.03 12.20	21.73 16.22	26.94 18.97	14.87 10.82	16.32 15.86	14.21 13.69	5,249.00 4,174.60	4,363.00 3,529.00	3,130.50 2,519.60
32 $\frac{1}{10}$	23	23 $\frac{2}{10}$	34	42	37 $\frac{4}{10}$	2 $\frac{9}{10}$	3 $\frac{8}{10}$	25 $\frac{7}{10}$	23 $\frac{6}{10}$	24 $\frac{2}{10}$
19.51 15.55	16.18 13.21	12.20 11.05	16.22 11.53	18.97 10.76	10.82 8.34	15.86 13.32	13.69 10.56	4,174.60 4,044.00	3,529.00 3,455.75	2,519.60 2,483.00
20 $\frac{3}{10}$	18 $\frac{3}{10}$	9 $\frac{4}{10}$	28 $\frac{9}{10}$	43 $\frac{3}{10}$	22 $\frac{9}{10}$	16	22 $\frac{9}{10}$	3 $\frac{1}{10}$	2 $\frac{1}{10}$	1 $\frac{5}{10}$

IN CENTS, MILLS, AND HUNDREDTHS OF A MILL.

23.3 2.0.90	17.9 1.6.05	13.5 1.2.15	19.6 1.7.58	24.3 2.1.80	13.4 1.2.02	14.7 1.3.18	12.8 1.1.48	47.29 2.1.20	39.31 1.7.63	28.23* 2.5.31
17.3 1.5.66	14.3 1.2.94	10.8 0.9.77	14.4 1.3.03	16.8 1.5.20	9.6 0.8.68	14 1.2.67	12.1 1.0.85	36.94 1.6.69	31.23 1.4.13	22.29* 2.0.17
14 1.2.56	11.9 1.0.67	9.9 0.8.88	10.4 0.9.33	9.7 0.8.25	7.5 0.6.72	12 1.0.76	9.5 0.8.52	35.78 1.6.04	30.58 1.3.68	21.97* 1.9.80

*Car-load estimated at 10,000 lbs. Cattle, hogs, horses, and mules, estimated weight 20,000 lbs.

COMMISSIONERS' RATES REVIEWED.

The freight rates promulgated by the Kansas Board of Railroad Commissioners, effective September 1, 1890, authorized railroad companies doing business in Kansas, whenever said companies desired so to do, to advance freight rates twenty-five per cent.; that is to say, the rates authorized by said commissioners are twenty-five per cent. higher than rates charged by the railroad companies from Kansas City, St. Joseph, or other Missouri river towns. The effect of issuing or authorizing a distance tariff, wherein the rates are higher than rates named in railroad terminal tariffs, is to discriminate against Kansas towns; while such discrimination works in favor of Kansas City, St. Joseph, or other Missouri River towns. To illustrate, we will take Junction City, Kas. The distance from Junction City to Council Grove is thirty-seven mile, while the distance from Kansas City, Mo., to Lawrence, Kas., is forty-one miles. McCord, Nave & Co., of Kansas City, sell to a merchant in Lawrence a bill of groceries (groceries take fourth-class rate); the freight rate, fourth class, from Kansas City to Lawrence, is *thirteen cents* per 100 pounds (Santa Fé Tariff No. 3-L). B. Rockwell & Co., of Junction City, sell a bill of groceries to a merchant of Council Grove; distance, via the M. K. & T. Railroad, thirty-seven miles; the freight rate under the commissioners' tariff (and it is the only tariff used between local points in Kansas, except where the inter-State law compels them [the railroads] *not* to charge a greater rate to intermediate points) is *nineteen cents* per 100 pounds; in other words, the Junction City merchant finds, when he undertakes to compete with Kansas City in selling goods to merchants in adjoining counties, that he has a discriminating freight rate of forty-six per cent. to overcome; this he cannot do; therefore he retires from the jobbing trade. Thus the earnings of Kansas farmers and laborers go to swell the bank account of the Kansas City or St. Joseph merchant.

It is this kind of discrimination against Kansas towns that has built up Missouri towns at the expense of Kansas. I am fully aware of the fact that the railroads have made a special tariff for Topeka, Wichita, Fort Scott, Hutchinson, Arkansas City, Winfield, Newton, Salina, and a few other Kansas towns, but this special rate only applies to merchandise—the first, second, third and fourth classes. On car-load freights, the discrimination has not been modified or removed. But time forbids further comparison.

HOUSE BILL NO. 743 RATES.

The desired object which we sought to accomplish by House bill No. 743 was to equalize freight rates in Kansas, giving to each county or municipality equal opportunities to build up and develop a local trade; to put the central and eastern towns in position to compete with Kansas City or St. Joseph in

furnishing Colorado with the products of our farms, gardens, orchards, dairies, and henneries. The average reductions of freight rates proposed by said bill (merchandise and car-load freights) was twenty-two per cent., while the actual reductions, on tonnage basis, would not exceed ten per cent. Its adoption would have prevented, in a great measure, the present discrimination against Kansas by the railroad companies. However, we have, in preceding tables, shown by the figures of the Kansas Board of Railroad Commissioners, the cost of carrying a ton of freight one mile, and the average receipts for each ton of freight hauled one mile, etc. Now, as we are pushed for time, we submit an alphabetical list of counties in the State of Kansas reached by railroad, with name of town opposite each county referred to, in Tables VII, VIII, and IX, leaving the reader to compare rates proposed in Table IX with rates in force by authority of the Trans Missouri Railway Association (Table VIII), and rates authorized by the Railroad Commissioners (Table VII). The number opposite the town, and under Table VII, VIII, or IX, refers to station number given in tables.

NAME OF COUNTY.	NAME OF TOWN.	TABLE.		
		vii.	viii.	ix.
Allen	Iola	50	51	50
Anderson	Garnett	33	34	33
	Westphalia	107	107	107
Barber	Medicine Lodge	67	70	66
Barton	Great Bend	37	38	37
Bourbon	Fort Scott	30	31	30
Brown	Hiawatha	42	43	42
Butler	El Dorado	25	25	25
	Benton	8	8	8
Chase	Strong City	96	98	96
Chautauqua	Sedan	91	91	91
Cherokee	Columbus	18	18	18
Cheyenne	Bird City	9	9	9
Clark	Ashland	5	5	5
Clay	Clay Center	15	15	15
Cloud	Concordia	19	19	19
Coffey	Burlington	14	14	14
	Gridley	39	40	39
Comanche	Coldwater	17	17	17
Cowley	Winfield	109	109	109
Crawford	Girard	34	35	34
Decatur	Oberlin	75	76	75
Dickinson	Abilene	1	1	1
Douglas	Lawrence	55	57	55
Edwards	Kinsley	54	56	54
Elk	Howard	45	46	45
Ellis	Hays City	41	42	41
Ellsworth	Ellsworth	26	26	26
Finney	Garden City	32	33	32
Ford	Dodge City	23	23	23
Franklin	Ottawa	78	80	78
Geary	Junction City	51	54	51
Gove	Grainfield	36	37	36

REFERENCE LIST — CONTINUED.

NAME OF COUNTY.	NAME OF TOWN.	TABLE.		
		vii.	viii.	ix.
Graham.....	Hill City.....	43	44	43
Gray.....	Ingalls.....	49	50	49
Greeley.....	Tribune.....	101	.....	101
Greenwood.....	Eureka.....	29	29	29
	Reece.....	85	.....	85
	Neal.....	70	.....	70
Hamilton.....	Syracuse.....	97	99	97
Harper.....	Anthony.....	3	3	3
Harvey.....	Newton.....	73	74	73
Hodgeman.....	Jetmore.....	52	52	52
Jackson.....	Holton.....	44	45	44
Jefferson.....	Valley Falls.....	102	100	102
Jewell.....	Mankato.....	64	66	64
Johnson.....	Olathe.....	76	77	76
Kearny.....	Hartland.....	40	41	40
Kingman.....	Kingman.....	53	55	53
Kiowa.....	Greensburg.....	38	39	38
Labette.....	Parsons.....	80	.....	80
	Mound Valley.....	69	72	69
Lane.....	Dighton.....	22	22	22
Lincoln.....	Lincoln.....	58	61	58
Linn.....	Pleasanton.....	83	84	83
	Blue Mound.....	11	11	11
Logan.....	Winona.....	110	110	110
Lyon.....	Emporia.....	27	27	27
Marion.....	Marion.....	65	68	65
Marshall.....	Blue Rapids.....	12	12	12
McPherson.....	McPherson.....	62	64	62
	Lindsborg.....	60	.....	60
Meade.....	Meade Center.....	66	69	66
Miami.....	Paola.....	79	81	79
Mitchell.....	Beloit.....	7	7	7
Montgomery.....	Independence.....	48	49	48
Morris.....	Council Grove.....	21	21	21
Nemaha.....	Corning.....	20	20	20
Neosho.....	Erie.....	28	28	28
Ness.....	Ness City.....	72	73	72
Norton.....	Norton.....	74	75	74
Osage.....	Lyndon.....	59	62	59
Osborne.....	Osborne.....	77	79	77
Ottawa.....	Minneapolis.....	68	71	68
Pawnee.....	Larned.....	56	58	56
Phillips.....	Phillipsburg.....	82	83	82
Pottawatomie.....	Blaine.....	10	10	10
	Wamego.....	104	104	104
Pratt.....	Pratt.....	84	85	84
Rawlins.....	Atwood.....	6	6	6
Reno.....	Hutchinson.....	47	48	47
Republic.....	Scandia.....	89	89	89
Rice.....	Lyons.....	61	63	61
Riley.....	Manhattan.....	63	65	63
Rooks.....	Stockton.....	95	97	95
Rush.....	Rush Center.....	86	86	86
Russell.....	Russell.....	87	87	87
Saline.....	Salina.....	88	88	88
Scott.....	Scott City.....	90	90	90
Sedgwick.....	Wichita.....	108	108	108
Seward.....	Arkalon.....	4	4	4
Shawnee.....	Topeka.....	99	.....	99

REFERENCE LIST—CONCLUDED.

NAME OF COUNTY.	NAME OF TOWN.	TABLE.		
		vii.	viii.	ix.
Sheridan.....	Hoxie.....	46	47	46
Sherman.....	Goodland.....	35	36	35
Smith.....	Smith Center.....	93	94	93
Stafford.....	Stafford.....	94	95	94
Sumner.....	Wellington.....	106	106	106
Thomas.....	Colby.....	16	16	16
Trego.....	Wakeeney.....	103	102	103
Wabaunsee.....	Alma.....	2	2	2
Wallace.....	Sharon Springs.....	92	92	92
Washington.....	Washington.....	105	105	105
Wichita.....	Leoti.....	57	59	57
Wilson.....	Buffalo.....	13	13	13
	Fredonia.....	31	32	31
	Neodesha.....	71	.....	71
Woodson.....	Yates Center.....	111	111	111
	Toronto.....	100	.....	100

[Published in the Nonconformist.]

THE CAMPBELL LETTER.

"I wish to present a few facts to the readers of the *Nonconformist* relating to railroads. I said facts, and I mean facts, not opinions. People in this feverish age have not the time to read every man's opinion on the many important questions of the day, but they do have the time to read statistical facts when presented in a concise manner. What my opinion relating to railroads may be is a matter of no importance whatever to the general public; but the actual facts relating to the transportation question as to reasonable rates is a matter of vast importance to the people generally. In this article I wish to present to the general public some facts that, however startling, are official. At a meeting of the railroad commissioners, held in the city of Washington May 28, 1890, a committee on reasonable rates was appointed, to report at the next convention of railroad commissioners. That committee consisted of W. B. Fleining, of Kentucky; Walker McLaurin, of Mississippi; David N. Mostland, of Maine; J. B. Breathitt, of Missouri; and John King, of South Dakota. At a convention of railroad commissioners, held at the office of the Inter-State Commerce Commission, at Washington, March 3 and 4, 1891, Mr. Fleining, chairman of committee on reasonable rates, submitted a long and carefully-prepared report, in which the committee advocated the regulation of rates both by the national and State governments; and as a proof

of the necessity of such regulation, appended to that report the following statements as to the earnings of railroads in the last sixteen years:

Year.	Miles of road in operation.	Capitalization.	Net traffic earnings per year.	Net traffic earnings per mile.	Mileage which entitles a revenue.	Proportion of earnings per mile on road built at cost of \$30,000 per mile.	Proportion of earnings per mile on fictitious capital.
1874.....	69,273	\$53,256	\$189,570,958	\$2,737 57	69,273	\$1,409 10	\$1,327 47
1875.....	71,759	61,652	185,506,437	2,585 13	68,694	1,258 00	1,327 13
1876.....	73,508	58,562	186,452,752	2,536 50	67,140	1,299 50	1,237 00
1877.....	74,112	60,678	170,976,697	2,307 00	64,460	1,142 00	1,165 00
1878.....	78,960	59,163	187,575,167	2,375 51	66,068	1,204 41	1,171 16
1879.....	79,009	57,730	216,544,999	2,740 76	62,560	1,424 10	1,316 66
1880.....	82,146	58,624	255,557,555	3,111 01	61,402	1,591 91	1,519 10
1881.....	92,971	60,445	272,406,785	2,930 02	66,965	1,455 02	1,475 00
1882.....	104,971	61,303	280,316,696	2,670 42	73,131	1,306 93	1,363 52
1883.....	110,414	62,030	293,367,285	2,656 07	72,415	1,285 54	1,370 53
1884.....	115,672	61,366	268,064,496	2,318 32	70,999	1,133 66	1,184 66
1885.....	123,320	61,398	269,493,981	2,185 32	72,390	1,067 75	1,117 57
1886.....	125,185	61,098	300,603,564	2,401 27	67,847	1,179 02	1,222 25
1887.....	137,028	58,603	334,989,104	2,444 67	72,335	1,251 67	1,193 00
1888.....	145,387	60,731	301,631,051	2,074 61	72,545	1,024 86	1,049

Year.	Earnings each year on fictitious capital.	Earnings of road built subsequent to 1874 from revenue on fictitious capital.	Total earnings from fictitious capital, and from capital furnished by railway users, and road built therefrom.	Miles of road built from tolls of fictitious capital, tolls, mileage preceding years.
1874.....	\$91,957,829	.....	\$91,957,829	3,065
1875.....	91,165,867	\$7,923,423	99,089,290	3,303
1876.....	82,196,298	16,152,432	98,348,730	3,278
1877.....	75,074,930	22,308,690	97,383,620	3,246
1878.....	77,344,577	30,689,989	108,034,566	3,601
1879.....	82,276,766	45,277,355	127,554,121	4,251
1880.....	93,234,752	64,617,581	157,852,333	5,262
1881.....	98,733,550	76,277,210	175,010,760	5,834
1882.....	99,678,766	85,098,274	184,777,040	6,159
1883.....	99,209,926	100,999,717	200,209,643	6,674
1884.....	84,077,689	103,628,904	187,706,593	6,257
1885.....	80,870,718	111,357,351	192,228,069	6,408
1886.....	82,903,995	137,748,854	220,652,849	7,355
1887.....	86,263,444	153,219,042	244,482,486	8,149
1888.....	86,125,770	151,174,756	237,300,526	7,910
	\$1,311,114,877	\$1,111,473,578	\$2,422,588,455	80,752

"The above tabulated statements, as I said before, were submitted to a convention of railroad commissioners, held in Washington the 3d and 4th of last March. The convention was presided over by Thomas M. Cooley, and was composed of very able men, gathered from all parts of the United States; and the above tabulated statements were unanimously indorsed by the convention, and are, therefore, the very best authority in the United States on the ques-

tion of railway earnings. Now, as a number of very prominent Republicans of the Kansas Senate, in the last legislative session, declared that the railroads of the country were not making expenses, in the face of the foregoing facts it will be eminently proper for those gentlemen to arise up and explain why they made those statements. In the event of their failing to do so, the people of Kansas will have to search somewhere behind the throne for the prompting motive.

"It is plain to see by the foregoing facts that the railroads of the United States are sapping the life of the nation very rapidly, notwithstanding what the Republican Senate has said. The next question is, What proportion of those fictitious earnings have been wrung from the sunburned farmers of the 'Sunflower State?' In order to understand just what proportion we pay, we will compare the freight rates paid by some of the Western States with the rates prevailing in Kansas. It would not be fair to take the rates of New England, New York, or even Ohio, as their conditions are different; therefore we will take the two agricultural States of Illinois and Iowa. Their roads have cost more than the roads in Kansas, for the reason that there were more cuts, grades, and more bridging. And, as a matter of course, it costs more to keep their roads in repair than the roads of this State. The facts are, there is no country in the world where railroads can be built and operated so cheaply as in Kansas. I will not give the rates on all the different classes, as it would require too much space and labor, but will compare six different classes, which will clearly show the difference in rates.

"The following table is a comparison of the freight rates in the States of Iowa, Kansas, and Illinois:

<i>Distance in miles.....</i>	STATES.	IN CENTS PER 100 POUNDS.				CATTLE.	SOFT COAL.
		<i>Less than car loads.</i>	<i>Car loads.</i>			<i>In dollars and cents per car.....</i>	<i>In dollars and cents per ton.....</i>
		<i>Merchandise—1st class.....</i>	<i>Fifth class.....</i>	<i>Class D.....</i>	<i>Wheat.....</i>		
10	Iowa.....	14	5	3	4	10 50	34
	Kansas.....	15	7	4	5	10 00	60
	Illinois.....	15	6	3	4	11 00	45
20	Iowa.....	16	5	4	5	12 60	42
	Kansas.....	20	9	5	6	12 00	85
	Illinois.....	18	8	4	5	14 00	55
30	Iowa.....	17	6	4	5	13 50	50
	Kansas.....	24	11	6	6	14 00	95
	Illinois.....	22	9	4	5	15 00	65

COMPARISON OF FREIGHT RATES—CONTINUED.

<i>Distance in miles.....</i>	STATES.	IN CENTS PER 100 POUNDS.				CATTLE.	SOFT COAL.
		<i>Less than car loads.</i>	<i>Car loads.</i>			<i>In dollars and cents per car.....</i>	<i>In dollars and cents per ton.....</i>
		<i>Merchandise—1st class.....</i>	<i>Fifth class.....</i>	<i>Class D.....</i>	<i>Wheat.....</i>		
40	Iowa.....	18	6	4	5	15 00	58
	Kansas.....	28	13	6	7	16 00	1 10
	Illinois.....	26	10	5	6	16 50	75
50	Iowa.....	20	7	5	6	16 50	66
	Kansas.....	32	15	7	8	18 00	1 15
	Illinois.....	29	11	5	6	17 50	85
60	Iowa.....	20	7	5	6	17 50	74
	Kansas.....	36	17	8	8	20 00	1 25
	Illinois.....	31	12	5	7	18 50	89
70	Iowa.....	21	7	5	7	18 50	82
	Kansas.....	40	19	8	8	22 00	1 35
	Illinois.....	32	12	6	7	19 50	93
80	Iowa.....	22	7	5	7	19 50	88
	Kansas.....	44	22	8	9	24 00	1 40
	Illinois.....	34	13	6	8	20 50	96
90	Iowa.....	23	8	5	7	20 50	94
	Kansas.....	48	25	9	10	26 00	1 55
	Illinois.....	36	14	6	8	21 50	98
100	Iowa.....	24	8	6	8	21 50	1 00
	Kansas.....	52	27	10	10	27 00	1 56
	Illinois.....	38	15	7	8	22 50	1 00
110	Iowa.....	25	8	6	8	22 50	1 03
	Kansas.....	55	29	11	11	29 00	1 60
	Illinois.....	40	15	7	9	23 50	1 02
120	Iowa.....	27	9	6	8	23 10	1 06
	Kansas.....	57	31	12	11	31 00	1 80
	Illinois.....	42	16	7	9	24 15	1 04
130	Iowa.....	28	10	7	8	23 90	1 09
	Kansas.....	59	33	12	12	33 00	2 00
	Illinois.....	43	16	7	9	25 40	1 06
140	Iowa.....	30	10	7	9	24 70	1 12
	Kansas.....	61	34	12	13	35 00	2 10
	Illinois.....	44	17	8	9	26 20	1 08
150	Iowa.....	32	11	7	9	25 50	1 15
	Kansas.....	63	35	13	14	36 00	2 15
	Illinois.....	45	18	8	10	27 00	1 10
160	Iowa.....	33	11	8	9	26 30	1 18
	Kansas.....	65	36	14	14	37 00	2 20
	Illinois.....	46	18	8	10	27 55	1 12

COMPARISON OF FREIGHT RATES—CONCLUDED.

<i>Distance in miles.....</i>	STATES.	IN CENTS PER 100 POUNDS.				CATTLE.	SOFT COAL.
		<i>Less than car loads.</i>	<i>Car loads.</i>			<i>In dollars and cents per car.....</i>	<i>In dollars and cents per car.....</i>
		<i>Merchandise—1st class.....</i>	<i>Fifth class.....</i>	<i>Class D.....</i>	<i>Wheat.....</i>		
170	{ Iowa.....	35	12	8	10	27 10	1 21
	{ Kansas.....	67	37	14	15	38 00	2 35
	{ Illinois.....	46	18	8	10	28 25	1 14
180	{ Iowa.....	36	13	8	10	27 90	1 24
	{ Kansas.....	69	39	15	15	39 00	2 35
	{ Illinois.....	47	18	9	11	29 00	1 16
190	{ Iowa.....	38	13	9	10	28 70	1 27
	{ Kansas.....	71	40	15	15	40 00	2 40
	{ Illinois.....	48	19	9	11	29 50	1 18
200	{ Iowa.....	40	14	9	10	29 50	1 30
	{ Kansas.....	73	41	16	15	41 00	2 45
	{ Illinois.....	48	19	9	11	30 00	1 20
220	{ Iowa.....	43	15	10	11	31 30	1 34
	{ Kansas.....	75	43	17	15	42 00	2 60
	{ Illinois.....	50	20	9	11	31 00	1 24
240	{ Iowa.....	46	16	10	11	33 10	1 38
	{ Kansas.....	77	45	18	15	43 00	2 75
	{ Illinois.....	51	20	10	12	32 00	1 28
260	{ Iowa.....	49	17	11	12	34 90	1 42
	{ Kansas.....	79	47	19	16	44 00	2 90
	{ Illinois.....	52	21	10	12	33 00	1 32
280	{ Iowa.....	52	18	11	12	36 70	1 46
	{ Kansas.....	81	49	20	16	45 00	3 05
	{ Illinois.....	54	21	10	12	34 00	1 36
300	{ Iowa.....	56	20	12	12	38 50	1 50
	{ Kansas.....	83	51	21	16	46 00	3 25
	{ Illinois.....	55	22	11	13	35 00	1 40
320	{ Iowa.....	57	21	13	14	39 50	1 54
	{ Kansas.....	85	53	22	17	47 00	3 45
	{ Illinois.....	56	23	11	13	36 00	1 43
340	{ Iowa.....	58	22	14	14	40 50	1 58
	{ Kansas.....	87	55	23	17	48 00	3 70
	{ Illinois.....	57	23	11	13	37 00	1 46
360	{ Iowa.....	59	23	15	15	41 50	1 62
	{ Kansas.....	92	59	25	18	49 00	3 90
	{ Illinois.....	58	23	11	14	38 00	1 49
380	{ Iowa.....	60	24	16	15	42 50	1 66
	{ Kansas.....	1 00	65	28	18	50 00	4 00
	{ Illinois.....	59	24	12	14	29 00	1 52
400	{ Iowa.....	61	25	17	16	43 50	1 70
	{ Kansas.....	1 10	70	31	19	51 00	4 10
	{ Illinois.....	60	24	12	14	40 00	1 55

"In giving the foregoing rates, we have left out the fractions of cents, as it would save the printer an immense amount of work, while the above is near enough for all practical purposes. The rates given for Iowa and Illinois are for class A roads.

"The foregoing comparison of rates is taken directly from the rate schedules in force in the respective States.

Yours truly,

W. M. CAMPBELL.

STATE PRINTING.

It is charged by the old party press that the People's Party failed to reform the extravagance and wastefulness in the matter of State Printing. Let us see: It has been the custom under the rule of the old parties for each State officer, head of department, board, commission, or their clerks, to make requisitions on the State Printer direct for anything they thought they needed, or might need, and it was the duty of the Printer to furnish it—subject to the provisions of section 6675, General Statutes, but which section has been continually and persistently violated by the old party State Printers—winked at and condoned by the old party Attorney General, Secretary of State, and Auditor, who have permitted large deficiencies to be made each term, amounting to \$183,000 for the past four fiscal years.

To make section 6675, G. S., operative and of full force, the People's Party legislators attached a "rider" to the bill making an appropriation for State printing for the fiscal years 1892-93, in which they create a Board of Public Printing through which all requisitions must come, and a record of them kept, with *absolute powers and control* of the kind, quantity and quality of the work to be paid for out of the fund appropriated. We here quote the sections creating this board, defining its powers and duties, from pages 79, 80, of the Session Laws of 1891—also section 6675, General Statutes 1889:

SEC. 2. All printing done under the provisions of this act shall have *first been submitted to and approved by the Secretary of State*, who is hereby made the *sole authority to issue requisitions* upon the State Printer for printing required by any officer or any institution of the State of Kansas, *subject to the approval of the Attorney General*. All printing, book-making and binding required by any State officer, State institution, board, or commission, shall be done by the State Printer: *Provided*, That *no printing shall be done except such as in the judgment of the Secretary of State, Attorney General, and State Treasurer, are necessary for the general information: Provided, further*, A majority of said persons may decide as to *what shall be printed*. The binding and printing provided for under this section, not otherwise specifically provided for, shall be construed to mean plain pamphlet work of such quality and style as shall conform to the demands of sound business economy, and shall be done *according to specifications furnished by the Secretary of State, by and with the ad-*

vice and consent of the Attorney General: *Provided*, That the Secretary of State shall not consider any requisition for printing unless the same is signed by the head of the department, board or commission from which such requisition shall issue, or the first assistant of the various State departments.

SEC. 4. That in all cases in which by the provisions of this act appropriations are made for the specific purpose named or stated, *the officer or person having charge of said appropriation shall not* in any case, by contract, act, or proceeding, *obligate the State at any time to pay a larger sum than herein specifically appropriated*; and that in no case shall the amount paid exceed the amount provided by law.

SEC. 6675, G. S. 1889, PAGE 2038: That any officer or agent of the State who shall be empowered to *expend* any public moneys, or *to direct* such expenditures, is hereby prohibited from *making any contract* for the erection or repair of any building, or *for any other purpose*, whereby the expenditure of any *greater sum of money shall be contemplated, agreed to, or required*, than is *expressly authorized by law*; and any officer or agent of the State *violating this law shall be deemed guilty of embezzlement of the amount in excess of that expressly authorized by law*, and, upon conviction, shall be punished by confinement and hard labor not exceeding five years, or in the county jail not less than six months. (Laws 1886, ch. 103, § 1, Feb. 27.)

CHAPTER II.

THE COFFEYVILLE DYNAMITE INVESTIGATION.

THE history of the explosion of a box of explosive material, at Coffeyville, Kansas, October 18, 1888, under circumstances that indicated the deepest villainy behind it, is familiar to every citizen of Kansas, and many thousands beyond the borders of this State. That the State Senate refused in 1889 to investigate, or rather, Senator Lockard had then refused to present to the Senate a petition asking for investigation, is also well known. It is also well known that the county attorney of Cowley county refused to act upon a complaint sworn out against parties, a part of whom were residents of Cowley county, giving as his reason "a want of jurisdiction." It was claimed in the complaint, sworn out before Justice of the Peace Salem Fouts, of Arkansas City, Kansas, that a conspiracy had been entered into between E. P. Greer, of Cowley county, Bion S. Hutchins and C. A. Henrie, of Shawnee county, and H. M. Upham, of Montgomery county. Surely the courts of either of these counties would have had jurisdiction, and especially Cowley county, as it is the home of not only a conspirator, but also of the intended victims of the conspiracy. The accidental explosion of the infernal machine in Montgomery could not make that the only county having jurisdiction. Yet such decisions were made by Republican officers, to prevent investigation till the statute of limitation should save their friends from prosecution.

Ceaselessly, by pen and tongue, did the intended victims try to induce prosecution, either directly or indirectly, by challenging a suit for libel if the charges made were not true. All efforts failed till the election of 1890 secured a majority of Populists in the Kansas House of Representatives. During the first week of the legislative session resolutions demanding an investigation were drawn up by C. Vincent, and placed in the hands of Representative J. L. Andrews, a member from Cowley county. Inasmuch as the senatorial contest was yet undecided, and the temper of the House yet unsettled, it was deemed prudent to withhold these resolutions until after the senatorial election, which was done.

The next week Mr. Andrews introduced the following concurrent resolution No. 23; House Jour. pp. 275 and 317:

WHEREAS, On the 18th day of October, 1888, a package of dynamite or other deadly explosives, was deposited in the office of the Pacific Express Company, at Coffeyville, Kansas, and directed to be sent to Winfield, Kansas; and

WHEREAS, The dynamite did explode while in the custody of H. M. Upham, and dangerously, and well-nigh fatally, wounded two innocent women; and

WHEREAS, It is charged that a person is now in the employ of the State of Kansas, who it is charged was implicated in a conspiracy against the lives and property of certain citizens of the State of Kansas; and

WHEREAS, It has been charged the Republican State Central Committee of Kansas were instigators of a conspiracy to destroy the property, reputation, and possibly the lives, of some of our people for political effect: therefore, be it

Resolved by the House of Representatives, the Senate concurring therein, That a committee of five on the part of the House and three on the part of the Senate be appointed, to make a full investigation of all the facts pertaining to this outrage, with a view that the guilty may be punished, the innocent vindicated, and the lives of our people protected.

This was messaged to the Senate on the same day (Senate Jour. p. 250), and called up for action on the following Monday (Senate Jour. p. 272). Upon motion of Mr. Gillett, of Kingman, the following was inserted as a studied insult to the House:

"WHEREAS, Parties making such charges have withheld from the public all evidence of their authority to make the same, and have used the information they claim to have for political effect, thereby making evidence of crime a basis of political agitation, instead of attempting to bring criminals to justice."

This amendment, with others, was sent to the House (House Jour. pp. 365, 366). Mr. Elder moved to non-concur in the above "WHEREAS," but before a vote was taken, Mr. Reeder moved the adoption of the following substitute, which motion carried, and the substitute was adopted:

"WHEREAS, It has been charged in certain prints, and on the floor of this House, that the aforesaid alleged crime has not been investigated in the courts of the State, by reason of the refusal of certain officers to perform their sworn duties."

This action in turn was messaged back to the Senate the following day, when *the Senate receded from its amendment* (292), accepted the action of the House, and appointed the Senate members of the committee, C. H. Kimball, J. G. Mohler, and Ed. Carroll. Mr. Kimball secured the appointment of his private stenographer as the official stenographer, assumed control of the preparation of the report for the printer and the proof-reading of the same, and now, when the official volume comes from the State Printer, (C. C. Baker,) on page 2 appears the Senate "WHEREAS" *non-concurred in by the House, and receded from by the Senate.* (Correction of typographical error; see p. 159.)

Senator Kimball is directly responsible for thus falsifying the record in an attempt to cast odium upon political opponents.

Here we insert a letter of inquiry to Senator Kimball, offering him a chance

to explain this matter, but up to date of going to press, September 15th, no reply has been received:

OFFICE OF
H. & L. VINCENT,
PUBLISHERS.

AMERICAN NONCONFORMIST.
ECONOMIC QUARTERLY.
COWLEY COUNTY TELEGRAM.
ALLIANCE CIRCULATING LIBRARY.
WINFIELD, KANSAS, August 13, 1891.

Hon. C. H. Kimball, Parsons, Kansas:

MY DEAR SIR—Referring to House Concurrent Resolution No. 23, providing for joint committee of which you were chairman on the part of the Senate, you will notice by reference to page 272 of Senate Journal that your body amended said resolution by the adoption of a resolution seriously reflecting upon certain persons.

By reference to House Journal, page 366, you will notice that Mr. Reeder proposed a substitute for this Senate amendment which was adopted.

Referring now to Senate Journal, page 292, you will notice this resolution messaged back to the Senate, and immediately following this the action of the Senate in receding from its amendment, under motion of Senator Osborn; this in turn followed by the appointment of the Senate members of the committee.

Inasmuch as you had control of the printing of the published volume containing report of said committee, what explanation have you to offer for the fact that the resolutions, as published therein, contain this Senate resolution which was receded from (Senate Journal page 292)? An early reply will greatly oblige,
Yours sincerely,
C. VINCENT.

It may be as well to notice, in this connection, something of the methods used to secure a seat for Mr. Kimball in the Senate, to which seat he is not rightfully entitled.

In the fall of 1888, George Campbell and C. H. Kimball were opposing candidates, on the Union Labor and Republican tickets respectively. In the election, Mr. Campbell received 2,793 votes, and Mr. Kimball 2,790. In Iuka precinct were cast 46 votes for Mr. Campbell, but the clerk, in footing up the tallies, wrote 41; this footing being counted by the board made Mr. Campbell's vote appear only 2,788. When, a few days later, this error was discovered, the chairman of the board, a Republican, refused to reconvene the board and correct the error, "because Mr. Kimball was not willing he should;" and the matter stood that way till winter, when a contest was made. Mr. Kimball stood on his "dignity, and the face of the returns," refusing even to appeal to the ballot-box for a recount of the votes, as any honest man naturally would. This of itself showed that he did not himself believe the plea he set up, that "five extra tallies might have been forged." If forged on one book, the other book would have convicted the forger, but he never called in the other to support his theory of the case, nor dared to appeal to a recount. For four years he has held a seat belonging to another man, *misrepresenting* a district that defeated him at the ballot-box only to have its choice counted out by the returning board. And this in Kansas!

In the contest before the Elections Committee (T. B. Murdock, chairman),

the committee say: "The only question involved in this contest is the number of votes received in said precinct (Iuka) by the said George Campbell. . . . Your committee find that the claim of George Campbell, that he received in said Iuka precinct 46 votes for State Senator, instead of 41 votes, has not been established by any evidence satisfactory to the committee; Sen. Jour. 1889, p. 237. The brief of Mr. Campbell in support of his case contains *conclusive* evidence in court decisions, and even if this were lacking, the Senate committee had the power to call for the ballots and order a recount of them. But no; they well knew such fairness would unseat their partisan and "annoy" the immaculate Republican Senate by the presence of a Union Labor legislator, which "annoyance" they were unwilling to endure.

The following letter tells the whole story:

OSWEGO, KAS., July 3d, 1891.

Mr. C. Vincent, Winfield, Kansas—DEAR SIR: Your letter in regard to the Kimball and Campbell matter received a few days ago. I have examined the matter carefully, having closely examined all the poll-books, and find there were 2,793 votes polled for Mr. Campbell and 2,790 for Mr. Kimball for State Senator in 1888. The board only counted 2,788 for Mr. Campbell. The precinct of Iuka, in Neosho township, polled 46 for Mr. Campbell, while the clerks only carried out in figures 41 votes for Mr. Campbell instead of 46. Mr. Goodwin, the Union Labor commissioner, and myself, were not satisfied with the count, and did not want to adjourn till we looked the poll-books over again; but Mr. Brooks, chairman of the board, and Mr. Jones said they would adjourn, telling me to look the books over and if I found a mistake they would come back. I immediately put the books in the safe, under lock, so no person could get them. Some days later, ten or twelve men about the town and court-house, some of whom were Republicans, and Mr. Campbell, desired to look the books over and see what the vote was. I told Mr. Campbell that Commissioner Jones was in town and to see him, and if he was willing, he and the other men could have the books, provided there were some Republicans there to be satisfied that the count was fair. Mr. Campbell saw Commissioner Jones, who told him to go ahead and look the books over, "and if you find a mistake, let me know." A dozen of us were present, carefully examined the books, and found Campbell had 2,793 votes, giving him 3 majority after giving Mr. Kimball 74 votes which he had stamped on Democratic tickets and peddled out to unsuspecting Democrats. Mr. Sharp, the Democratic candidate for Senator, had withdrawn a few weeks before, and Mr. Kimball tried to fill the vacancy by stamping his name in red ink on the Democratic tickets, and thus deceived some Democrats, *as they have since stated*. Mr. Brooks, the chairman of the board, was notified of the error in the count and requested to reconvene the board and correct it. He said he would see Mr. Kimball, and, *if he was willing*, he would correct the error. He saw Mr. Kimball, and he said that Mr. Kimball was not willing to have the board meet, and *therefore* he would not reconvene the board, and thus Mr. Campbell was counted out. Last summer (1890) Mr. Wm. Cook, sheriff of this county, was in the county clerk's office. They got into a controversy over the count-out, when the sheriff bantered them to get the ballots of Iuka precinct and count them to satisfy themselves. W. W. Cook, deputy county clerk, said all right, if the county clerk, Mr. Tilton, was willing. Mr. Tilton said all right, as the ballots had now been kept longer than the time required by law. Sheriff Cook said it was not fair to have two Republicans and only one Labor man at the count, and with their permission he would call in W. H. Porter, United Labor county treasurer. They replied that they had no objection, so Mr. Porter was called in and ballots were got, W. W. Cook, deputy county clerk, calling the vote, the county clerk and county treasurer keeping tally,

while the sheriff looked over the ballots as the deputy county clerk called, and there were found to be 46 votes for Mr. Campbell, instead of 41 votes as counted by the board.

Thus it is apparent the Republican board were determined on the count-out. Enclosed I send you a brief of the case, as passed on by the Senate committee, which will give details in full.

Very respectfully,

W. J. MILLIKIN, *ex-County Clerk.*

Ed. Carroll (Dem.), from Leavenworth, was on the Elections Committee, and voted to adopt the report of the committee. (Sen. Jour. 1889, p. 237.)

But this is a digression, and would be out of place here, were it not to show the conscienceless character of the man who would retain a senatorial seat when he *knew* the *people* rejected him. His *real character* here stands out plainly, and will counteract whatever *reputation* for fairness he may have gained with casual acquaintances. And he is the author of the Republican report. This fact alone would discredit it among fair-minded people, but, in order that all may know the extent to which unbridled Republican partisanship can go, we will dissect this report in the following pages. There are so many glaring, "garbled extracts," and distorted statements, that if an attempt were made to notice all of them together some would escape notice, (and it is not claimed that *all* have been discovered and exposed here, but attention is called to enough to show the trend of Republican "statesmanship.") Accordingly, the editorial remarks are interspersed throughout the reports, as occasion seemed to require.

With this brief introduction, the reports of the committee are here presented, (copied from the official document,) asking the public to keep clearly in mind the *four* theories, one of which must account for the explosion. These are:

First. Spontaneous combustion of chemicals in the laboratory of Mr. Upham.

Second. Malicious intent upon the part of Mr. Upham, and a desire to destroy his family.

Third. Malicious intent upon the part of the Videttes, and an attempt to punish Greer for his publication of their ritual, and to prevent further similar publications.

Fourth. Malicious intent on the part of Republican managers—Greer, Hutchins, Henrie, *et al.*—to effect the financial and political downfall of the Vincent brothers, and through them of the Union-Labor party, by "proving" them to be dangerous persons, the climax to be reached when dynamite was to be found in possession of the above firm; which dynamite exploding prematurely at Coffeyville thwarted the plot, and nearly murdered two innocent women.

One of these theories *must* account for the explosion, and inasmuch as positive evidence is produced that the first two are untenable, and *no* evidence at all in support of the third, it necessarily follows that most of the time of the

committee was occupied in examining the evidence for or against the fourth, or last theory.

There are four reports—one signed by the full committee, one by the Republican members, one by the Populist members, and one by the Democratic member (Mr. Carroll)—and they are presented here in the above order, with comments.

REPORT OF WHOLE COMMITTEE SO FAR AS IT WAS ABLE TO AGREE.

“TOPEKA, KANSAS, May 8, 1891.

“HON. LYMAN U. HUMPHREY, *Governor of the State of Kansas*—SIR: The joint committee of the Legislature of 1891, appointed under House concurrent resolution No. 23, to investigate the facts connected with the explosion which took place at Coffeyville, in this State, October 18, 1888, was by a subsequent concurrent resolution authorized to continue its investigation after the adjournment of the Legislature, and directed to make its report—to be printed with the evidence—to you. In accordance therewith, the committee submits herewith the record of its proceedings and the evidence taken during such investigation, together with its report, in so far as the committee has been able to agree; and to which are appended statements embodying the views of the members of the committee upon those questions concerning which the committee has been unable to agree.

“As this investigation is somewhat political in its character, it may be proper to say that the committee, as originally appointed on the part of the House, consisted of Representatives J. L. Andrews, Ezra Carey, O. M. Rice, C. C. Vandeventer, and C. N. Bishoff, the first four being members of the People's Party, and the last named a Republican. Mr. Andrews resigned as a member of the committee, February 23d, and was succeeded by Representative M. Senn. On the 25th of the same month Mr. Vandeventer resigned, and was succeeded by Representative Geo. W. Crumley; and on the 2d of March Mr. Rice resigned, and was succeeded by Representative T. M. Templeton; the members appointed being of the same political party as those whom they succeeded. [All these resignations were made on account of sickness.—ED.] The members of the committee on the part of the Senate were Senators C. H. Kimball, J. G. Mohler, and Ed. Carroll, the first two being Republicans, and the last named a Democrat. Mr. Andrews, who had been elected chairman of the committee, was, upon his resignation, succeeded in that position by Mr. Carey. Mr. Andrews died at Topeka within a few days after his resignation. We pause to pay a tribute of respect to his memory, and to the ability and fairness which characterized his action while a member and chairman of the committee; and to tender our sympathy to his relatives and friends in their bereavement.

“The committee at its first meeting, February 13, 1891, concluded to ask the Legislature to enact a law requiring witnesses summoned before legislative investigating committees to answer all questions put to them touching the subject matter of the investigation, even though their answers might tend to criminate them, protecting them from the effect of any such incriminating answers, and providing that the willful giving of false testimony before any such committee should be punished as perjury; and the committee decided,

if practicable, to await the enactment of such a law before taking any testimony. A bill introduced in the Senate by a member of the committee, covering the ground indicated, was passed by that body on the 16th day of February, and was afterwards passed by the House, and took effect February 23, 1891. On the next day thereafter, the committee commenced hearing the testimony.

"It seemed to the committee not only fair to all parties, but as likely to result in a more thorough investigation of the matter, to allow the parties who had made the charges referred to in the resolution under which the committee was appointed, and who were still insisting on the truth of the charges, to take the affirmative of establishing them, in so far as they were able to present any evidence tending to support them; and to allow the parties against whom the charges were made to take the negative side of the question, and to offer such evidence as they might have bearing upon the subject-matter. For convenience, these two sides have been generally designated in the proceedings and evidence as the prosecution and the defense, respectively.

"For the purpose of still further promoting and facilitating a thorough investigation into all the facts and circumstances surrounding the subject-matter, the parties interested were authorized by the committee to be represented by attorneys—Messrs. H. G. Webb and B. S. Henderson being employed to represent the prosecution and Messrs. F. B. Dawes and Charles Curtis to represent the defense. The action of the committee in this respect was seemingly approved by the Legislature in making an appropriation to remunerate the attorneys for their services. The attorneys so employed examined and cross-examined the witnesses, members of the committee, however, extending or continuing such examination at pleasure.

"The committee has earnestly endeavored to carry out and accomplish the purpose indicated by the resolution—under which it was appointed. It has secured the attendance of every person known or supposed to have any knowledge that would throw any light upon the subject-matter. It has secured the presence of witnesses from Ohio, Michigan and Colorado by advancing traveling expenses, etc., and from various parts of the State by subpoena. No person whose attendance as a witness was desired, even though beyond the reach of the compulsory process, has failed or refused to respond to a request for his attendance. These witnesses, more than seventy-five in number, have been carefully and searchingly examined and cross-examined in the presence of and by members of the committee. Much of the testimony offered seemed to have little or no bearing upon the subject of the investigation, but it has been received by the committee in the hope that it would afford some clue by which other testimony might be secured that would be relevant and material. The fact that on the 18th day of October, 1888, at about half-past 4 o'clock in the afternoon, an explosion occurred at the house of Mr. H. M. Upham (the Pacific express agent at Coffeyville), whereby his wife and adopted daughter, Mabel, were severely injured and a portion of his house shattered and blown to pieces; the fact that Mr. Upham, as he stated at the time, attributed the explosion to the contents of a box which he said had been left with him that day by a man who gave the name of P. Jason, to be shipped to L. or J. Loudon at Winfield, Kansas; and many other details connected therewith, were undisputed and well known to the public about the time the unfortunate occurrence happened. In this connection, a brief résumé of the testimony bearing directly upon the explosion itself and the effects thereof may not be out of place.

"That part of Mr. Upham's testimony was in substance as follows: He testified that about 11 o'clock in the forenoon of the day of the explosion, October 18, 1888, a man, whom he describes, brought a pine box, about eight or nine inches square, into the express office; and, after making some inquiry about when the trains would leave, and being informed that the first train that carried express left at 4:30 the next morning, said he wanted to send the box by express to J. Loudon, at Winfield, Kansas, paid the charges, 25 cents, and said he wanted no receipt for the package. That when he, Mr. Upham, first asked this man his name he said it was no matter; and when again requested to give his name, gave the name of P. Jason. Said the box contained glass, medicine in bottles, and he wanted it handled very carefully—not thrown on the dray, or left at the depot; and being assured that it would be handled carefully, turned and went out as Mr. Upham was fastening a tag on the box. Mr. Upham described the man who shipped the box as being about his height—five feet six inches; weighing 140 or 150 pounds; about forty years old; dark complexioned; small, black eyes, which he frequently opened and closed when talking with him; full dark beard; mark of having worn glasses on the bridge of his nose; dressed in dark or black cloth clothing, worn shiny—not working clothes; soft hat, and shoes. Mr. Upham says that he entered the box on the forwarding book, made out a way-bill, left it on his desk, put the box in his wagon, drove home, arrived there a little before noon, put the box in a small, dark room, which he had partitioned off from the laundry or summer-kitchen, and which he, being an amateur photographer, used in connection with his work as such. That about 1 o'clock he went back to his office, returned to his residence again at 2:30 or 3 o'clock, and when Mabel returned from school asked her and Mrs. Upham to go with him and see Mabel's picture developed. That the three went into the dark room; he closed the door, put the plate in the solution, went out to get a pail of water, and just as he, returning with the water, had entered the summer kitchen the explosion occurred. (23, 24, 25.) The room, he says, was immediately filled with a sulphurous smoke, but there was no fire.

"Beyond the injury to Mrs. Upham and Mabel, the effect of the explosion was to demolish the dark room; shatter and force off some of the boards composing the outer walls of the kitchen; to break a hole through the north door of the kitchen, about seven feet away from the dark room, and through the south door, which was about five feet from the dark room; raise the roof so that it stood open at the comb; break a hole through the kitchen floor about three feet in diameter, and through the ceiling of the cellar; breaking a large pine box which was in the cellar directly under the dark room; and breaking a hole in the cement floor of the cellar.

"Mrs. Upham's testimony is corroborative of her husband's, as to the box being brought home and placed in the dark room, the invitation to go into the dark room to see the plate developed, and the fact that Mr. Upham was out after water when the explosion occurred. She testifies that she did not see the box after it was taken into the dark room, but that she saw it taken in there, and that she heard a sissing noise for a second or a moment just before the explosion; and beyond that she knows nothing as to the cause of the explosion, except what she was told after she had partially recovered.

"Mabel Upham's testimony is corroborative of Mr. Upham's as to the invitation to go to the dark room to see the plate developed, and the fact that he was after water when the explosion occurred. She remembers hearing the

report of the explosion, but nothing further; says she did not hear the sissing noise to which Mrs. Upham testified, and did not see the box — never heard of it, in fact, until after she had so far recovered that persons talked to her about it. She says it was not her picture, but an outdoor picture, which Mr. Upham was developing. (Record, 17-22.)

"Dr. Wood, the physician who attended Mrs. Upham and Mabel, testified that after Mabel had partially recovered from the shock, about eight or ten days after the explosion, she told him, in response to his questioning, that she and her mamma were standing very close together in the dark room, and her mamma hit a little box that was sitting on the floor with her toe, when there was a sissing noise and it exploded (record, 569); but Mabel herself testified that she never saw or heard of the box until after she had practically recovered, when she was told about it, and that she heard no noise preceding the explosion. (Record, 20, 21.)

"The wounds received by Mrs. Upham, caused by the explosion, were numerous and very severe. The flesh was nearly all blown or torn from her left foot and ankle, the cords even being torn and cut away, and the muscles of the left arm and leg torn and lacerated, with cuts and punctured wounds on other parts of her person. The injuries received by Mabel were also very severe. The bones of her right ankle were broken, and a part of one bone was blown away, with numerous wounds where the flesh was torn, lacerated, and cut.

"Dr. Wood testified that in those wounds upon Mrs. Upham and Mabel, he found particles of bran, chopped oats, wood fiber, shreds of clothing, small pieces of glass, etc.

"As to just what it was that exploded, or caused this explosion, whether it was accidental or intentional, innocent or criminal, and if the latter, who was the criminal, and what was the motive, were questions about which there have been many opinions.

"One theory has been that the explosion resulted either from the careless or improper use of chemicals or explosives used in photography — Mr. Upham being an amateur photographer — or was the culmination of a deliberate plan on his part to destroy his wife and possess himself of her property; and that the story about the box being left for shipment to Winfield was an invention of Mr. Upham's, to shield himself from the blame or suspicion that would rest upon him in case the truth was known or suspected.

"Another theory has been that it was the work of members of a secret, oath-bound organization, known as the National Order of Videttes. That the dynamite or explosive, whatever it was, was intended by members of this order, for use in blowing up the office of the *Winfield Courier*, for the purpose of preventing a further expose that was about to be published, or in revenge for a partial expose that had been published, of the secrets of this order; and that the explosion of the box at Coffeyville was premature and accidental.

"Still another theory has had its adherents, who openly charged that the explosion was a part of a plan, or the result of a conspiracy to which the Republican State Central Committee, through its officers, Henry Booth, chairman, and Bion S. Hutchins, secretary, and other prominent Republicans in the State, were parties. That in order to give additional emphasis, or dramatic effect to the expose of the Videttes, which was about to be published simultaneously by many of the Republican papers of the State, it had been planned to have an explosion at Winfield, whereby the office of the *Courier*, the paper first publishing the expose, was to be destroyed; that a part of the

dynamite was to be secreted in or about the office of the *Nonconformist*, a paper published by the Vincent brothers, to be found there after the explosion, so as to convict them, and other members of the Videttes, of being dynamiters and anarchists as had been charged. That the dynamite was shipped for that purpose, the explosion at Coffeyville being premature and unintentional. That Ed. P. Greer, the editor of the *Winfield Courier*, and C. A. Henrie were parties to this conspiracy, the latter being the man who delivered the box to Mr. Upham at Coffeyville, and who was rewarded for his part in the plot, and for his silence, by an appointment as clerk in the Labor Bureau.

"As to what are the true answers to the questions suggested, or the true theory upon which to account for this explosion, the committee is unable to agree, and, as before stated, the several opinions entertained will be hereto appended.

C. H. KIMBALL,
J. G. MOHLER,
EDWARD CARROLL,

Members of the Committee on the part of the Senate.

EZRA CAREY,
M. SENN,
G. W. CRUMLEY,
C. N. BISHOFF,
T. M. TEMPLETON,

Members of the Committee on the part of the House."

REPORT OF SENATORS KIMBALL AND MOHLER, AND REPRESENTATIVE BISHOFF, REPUBLICAN MEMBERS OF THE COMMITTEE.

[In the analysis of the reports, where figures are unchallenged, it is conceded that the evidence warrants the conclusions drawn, and where we differ, we quote the evidence in support of our position.—ED.]

"TOPEKA, KANSAS, May 9, 1891.

"TO HON. LYMAN U. HUMPHREY, *Governor of the State of Kansas*—SIR: The undersigned, members of the joint committee appointed to investigate what is known as the Coffeyville explosion, in addition to those matters contained in the report subscribed by the entire committee, submit the following report, containing—

"*First:* Some special findings as to the charges made or recited in the resolutions under which the committee was appointed.

"*Second:* Some general observations, for the purpose of grouping together certain facts, and preserving in history, what is now generally known and understood, that this investigation, instead of being instituted for the laudable purpose of exposing and punishing a crime, was urged and advocated to gratify feelings of personal hatred, and a desire for revenge; and was taken up and foisted upon the people of this State by the Alliance party, at an expense of \$12,000 or more, for political buncombe merely—for the sole purpose of endeavoring to smirch the Republican party, and gain some political advantage.

"*Third:* As the resolutions charge that a person now in the employ of the State was implicated in the conspiracy which resulted in the explosion; and

as it was and is a matter of public knowledge that Mr. C. A. Henrie, a clerk in the Bureau of Labor, was the employé against whom this charge was directed; and in view of the fact that the four members of this committee belonging to the party responsible for this investigation have, in secret session to which no other member of the committee was admitted, prepared a report, which they refused to exhibit to the committee, and which they have announced their intention of secreting until our report is submitted (p. 606), but in which report it is understood that they have found that the charges made or recited in the resolution referred to are true, and have endeavored to sustain such findings by inferences, deductions, and extracts from the testimony; and in view of the further fact, that these members of the committee, or some of them, have from the beginning of this investigation indicated that they believed that Mr. Henrie was the man who delivered to Mr. Upham the box which exploded; and that the only way that the Republican party could be connected with the crime was through Mr. Henrie—in view of these facts, we have thought best to append a third subdivision, which will be devoted to some further findings and conclusions, not only as to the whereabouts of Mr. Henrie on the 18th day of October, 1888, but as to other relevant matters with reference to the testimony supporting them. With this preliminary statement, we submit the following:

"I.—SPECIAL FINDINGS.—1st. If it is true that a man known or unknown to Mr. H. M. Upham brought a box to the express office at Coffeyville and left it with him to be shipped to Winfield, as he says, and that it was this box, or the contents thereof, which exploded, then we find, after a careful consideration of the testimony, that there is an entire absence of evidence from which we are able to locate or identify the person who left the box at the express office, or, if the purpose was criminal, from which we are able to say what crime was intended, the motive thereof, or the purpose to be accomplished.

"2d. We find further, that the explosion was not the result of any conspiracy instigated by the Republican State Central Committee, or in which any member of that party or any employé of the State was implicated, as charged in the resolutions. The proof is clear and convincing that the use or explosion of dynamite was no part or plan of the Republican State Central Committee for conducting its campaign; that it had nothing whatever to do with the explosion at Coffeyville, and was in no wise responsible therefor; and that Henry Booth, Bion S. Hutchins, E. P. Greer, C. A. Henrie, and George W. Poorman were not in any way connected with the explosion, or accessory thereto.

"3d. We further find that there is an entire absence of testimony showing or tending to show that the failure to investigate this alleged crime in the courts has been caused by the neglect or refusal of any public officer to perform his sworn duties in reference to the matter, as charged in the resolutions.

"4th. The findings already made show that the charge that you, having been advised of Mr. Henrie's connection with the explosion, and as a reward therefor, secured for him the position which he now holds as clerk in the Bureau of Labor, cannot be true; and we find that your action in recommending or assenting to the appointment of Mr. Henrie was uninfluenced by any such consideration.

"II.—SOME GENERAL OBSERVATIONS.—(The figures in parentheses will refer

to the pages of the record, where the testimony or proceedings may be found supporting the statements made.)

"That the student of the future may understand, as the people of this day and generation understand, that feelings of personal ill-will and hatred, a desire for revenge on the part of the members of a secret, oath-bound political organization and a hope to make political capital, were the motives for urging and instituting this investigation; that the facts in reference to the secret caucus report of the four Alliance members of the committee may be recorded and preserved, so that it may be understood and known for what it is—not as the honest, deliberate judgment of unprejudiced men, but simply as the final act in a drama, the cast and lines of which were laid down and well understood before the play commenced—a brief outline is here given of the situation, past and present, so far as it is relevant to the subject-matter of this investigation.

"The political campaign of 1888 was one of great public interest and importance. Besides the Republican and Democratic, there were the Union Labor, the United Labor, and other presidential or national tickets in the field; and while it seemed certain that Kansas would be carried by the Republican national ticket, the contest on the State, Congressional and local tickets in this State was spirited and vigorous. The Union Labor party, since merged into the Alliance or People's Party, was an especially important factor in the fight, and it was believed that the local ticket supported by that party would be successful in many parts of the State; and members of that party were not wanting who professed to believe that their ticket would carry the State. At this time Henry and Leo Vincent were, and for a year or more had been, publishing a weekly paper at Winfield, known as the *American Nonconformist*, politically supporting the Union Labor party and its candidates. The utterances of this paper, while in form denying it, were such as to convince intelligent and patriotic citizens that its editors, the Vincents, were in fact anarchists, and were in full sympathy with the red-flag anarchists of the Chicago stripe. They denounced the execution of the Haymarket anarchists as 'judicial murder.' (431, 433.) In the issue of their paper of September 22, 1887, appears an editorial under the heading of 'Must have their Blood,' which was in evidence, and from which the following is quoted:

"It may be of no avail to enter our protest at this late hour against this judicial murder, but we can at least show a contempt for the cowardly cringing of professed labor reformers at the feet of monopoly in their mad cry for blood. The monopolists are howling for blood; nothing else can satisfy. The people are becoming desperate, and an example must be made of those who have the nerve to protest against this hell-born system of legal robbery; and the protestors—the people—given to understand that they must calmly submit to be robbed, or be hanged if they resist. That is what it amounts to.

"The monopolists (the modern slaveholders) are just that near-sighted as to fancy that the hanging of seven men is about to settle the question in favor of their supremacy, as they thought the hanging of that one man would settle the former agitation.

"Another thing: How happens the date for the execution to fall on the day that the State militia is to be in the city? Is there anything suggestive about that? Would this have been the case, had not the 'powers that be' known that the desperate legal murder they were ordering would call forth an outburst of popular wrath? And are they such fools as to think that two or three companies of State dudes can quell an insurrection of the magnitude such a crime will call out?

"To our mind, if Chicago wants to see bloodshed as she never saw it before, they have but to spring the trap to launch those seven men into eternity; and if Judge Gary hopes to escape, it would be no indiscretion on his part to join his co-workers and brethren in crime, the Chicago boodlers, and take a vacation in Canada."

[Turn now to p. 593 of the record and finish the above article from which

Judge (?) Kimball extracted a few sentences, which, taken alone, might be misconstrued. One sentence Mr. Kimball took good care not to quote is this: "The *Nonconformist* stands for law, but it stands for human rights first. Take the heel of oppression from the neck of labor, and you have no use for nine-tenths of the 'enactments' that disgrace this boasted land of the free." —Ed.]

"The sentiments of the editors of this paper were so pronounced and well understood, that long before the Coffeyville explosion it was a common thing for the people to refer to them as "anarchists" or "dynamiters." (130, 132, 431.)

"During this same period, Mr. Ed. P. Greer was, and before that time had been, publishing a daily evening paper at Winfield, Republican in politics, known as the *Courier*. Because of the sentiments expressed by the Vincents in their paper, Mr. Greer had denounced them as anarchists, and as men dangerous to the welfare of the community. As a consequence whereof, the Vincents were not particularly friendly towards him; and a certain expose and the comments thereon in the *Courier*, which will be referred to more fully hereafter, caused the relations between the Vincents and their associates and Mr. Greer to become so strained that there were those of the latter's friends who feared for his personal safety. (326, 327.)

"At the State convention of the Union Labor party, held at Wichita in that year, it was noticed by members of that party that there was some secret organization working within the party, which absolutely controlled its movements and dictated its action, but to the deliberations of which none but the initiated were admitted. (Testimony of Henrie, 177; of Connor, 400, 401.) Rumors became rife of the existence of this organization in Cowley county, and that it was treasonable, revolutionary, and bound together with oaths, whereby its members forswore their allegiance to the laws of their country in their obligation, under penalty of death, to obey the orders and preserve the secrets of the organization. This matter coming to the ears of prominent Republicans in that county, an effort was made to secure evidence of the existence and character of the order. One George W. Poorman, a printer who had been in the employ of the Vincents, and who knew that the secret work of this organization had been printed in their office (333), was employed and paid to secure a copy of it, and was successful in doing so. (329, *et seq.*)

"On the 4th of October, 1888, the contents of this book, which contained the constitution, ritual, secret work, oath, etc., of the National Order of Videttes, were published in the *Courier*, together with charges that the society was secret, oath-bound, treasonable, and revolutionary in its character; that it was organized within the Union Labor party; that one of its objects was to control the action of that party politically; that the Vincents were members of the organization, and that the secret work of the order was printed at their office. (74, 76.) This has been spoken of by many of the witnesses in their testimony as the first expose of the National Order of Videttes. There were many who feared the vengeance of the Videttes would be visited upon Mr. Poorman and Ed. Greer, or both, for the exposure of their order. Mr. Poorman believed, and was advised, that it would be safer to go away, which he did at once. (97, 330, 333, 340.)

"The Vincents, through their paper, in a public debate, and in conversation

with members of their party who were not members of the order, denied that there was any such order in existence, and denounced the statements made in the *Courier* as campaign lies (74, 97, 120), and being believed by many members of their party, were thus enabled to materially diminish the effect that this expose would otherwise have had."

[What purpose Mr. Kimball can have in making *imaginary* quotations, or citing those that do not exist, is more than we can understand. Page 74 of the record contains *nothing* that refers even to a *pretended* denial. On page 97 is only the statement of Greer that 'the Vincents denied the existence of the Order of Videttes.' Referring to the same thing (p. 120) in Greer's examination occurs the following:

Q. In answer to Mr. Dawes, you said after the publication of the ritual, which occurred on the 4th of October, that the Vincents denied the existence of the order of the Videttes? A. Yes, sir.

Q. Now then, was that denied by them orally or was it denied by some article published in their paper? A. Well, the most positive or specific denial of that occurred at a public meeting in Winfield, in which Prof. Vincent and Col. Henderson were discussing the issues of the day.

The bare statement of Greer is taken as proof in the face of a positive denial, which Mr. Kimball conveniently forgets (?) to mention. C. Vincent was on the witness stand — p. 277.

Q. Do you remember where you were, Mr. Vincent, upon the 6th and 8th days of October, 1888? A. I do.

Q. Just state, if you please. A. In Winfield.

Q. Reference has been made to a joint discussion between you and Mr. Henderson; state whether that discussion occurred upon the evenings of these days. A. It occurred on the evenings of the 6th and 8th.

Q. Were you then in anywise connected or associated with an organization denominated the National Order of Videttes? A. I was.

Q. Was there anything said by you with reference to the organization? A. Yes, sir.

Q. Did you then deny that you had any knowledge of the existence of an order known as Videttes? A. I did not.

Q. What did you say with reference to it? A. I said I did not have any knowledge of the existence of any secret treasonable organization in the State of Kansas.

With this evidence staring him in the face, this man, chairman on the part of the Senate, masquerading as Senator, in the place belonging to another man, Mr. Kimball, coolly assumes that Mr. Greer told the truth, and pursues his argument as serenely as if he were honest in what he wrote.—ED.]

"Mr. Greer at once set about getting additional evidence of the existence

of the order. Learning that the officers of the Republican State Central Committee had other important information bearing upon the case, he soon after went to Topeka, and in conjunction with Mr. Bion S. Hutchins and Mr. C. A. Henrie, assisted in preparing and putting into shape the final and conclusive expose of the existence and purposes of this order. (95.) This expose was published in the *Courier* on the evening of October 18th, and in the *Topeka Capital* and other prominent Republican papers in and out of the State, by previous arrangements, on the 19th. (95, 522, 543.)"

[The Senator's citations are correct this time, and he might have added that the entire space of pages 179 to 199 was occupied in showing conclusively that the publication of October 18 and 19 was a cunningly arranged tissue of lies, containing enough of truth to give it currency among the excited populace, whose passions were to be still further aroused by the inflammatory character of the publications.—ED.]

"The explosion at Coffeyville happened on the 18th, the same day that the complete expose was published in the *Courier*. As it was reported that the box of dynamite was billed to Winfield, there was much excitement there; and the two topics, the expose and the explosion, were the talk of the town. Many persons arrived at a conclusion, which perhaps was only natural under the circumstances, that the Videttes, who had heretofore been dubbed the dynamiters, were in fact responsible for the explosion; and that the dynamite was shipped to Winfield by some member of this organization, to be used either in wreaking vengeance upon those who had exposed their secrets, or to prevent the second or more complete exposure that was published on that day.

"In this connection, it should be noticed that there was a combination at that time between the Union Labor party and the Democrats, on the local ticket in Cowley county, and that the *Winfield Telegram*, a Democratic paper published there, and the *Nonconformist*, were both supporting the same local ticket, the editors of the two papers being on intimate terms and in consultation daily.

"As a kind of offset to the public talk and charges that the Videttes and Vincents were responsible for the explosion, Mr. J. W. Henthorn, local editor of the *Telegram* and correspondent of several other Democratic papers, conceived the idea that it would be a good political scheme to charge the explosion at Coffeyville upon the Republicans, as a part of their plan to bolster up or give effect to the expose. The matter was talked over with the other editors of the *Telegram*, and with the Vincents, and the plan was approved. (409.)"

[Correct again—in part. Now for the *facts*. Mr. Henthorn continued to edit the *Telegram* for a short time after it was purchased by the "*Independent Newspaper Union*"—H. & L. Vincent, managers. Sometime since he was discharged, for cause, although the public attention was never called to the matter. He then secured work from Ed. Greer, and in order to "hold his job," he prostitutes what little manhood he had left, and goes upon the stand to swear he lied in 1888. Note a few choice selections:

By Judge WEBB (p.412): Q. Are you in the habit of circulating rumors

detrimental to the character and reputation of men throughout the State, or at different places, for the purpose of publicity, without any regard to their truthfulness? A. Not except in a campaign.

Q. Well, are you then? A. Well, I have done it.

Q. Do you want yourself understood as a common political liar? A. No—not quite.

Q. You have since that time been in the employ of the Vincents? A. Yes, sir.

Q. You are now in the employ of Ed. Greer? A. Yes, sir.

Q. How long have you been at work for him? A. Almost eleven months.

By Mr. SENN (p. 413): Q. You draw a line between making a statement for political purposes and any other statement? A. We have to.

Q. Why do you have to? A. To keep even with the other fellows.

Q. You felt as though you would be justified in making such a statement, implying as much as it did, without knowing the facts in the case? A. Yes, sir; I did. I was working on a Democratic paper.

Now Mr. Kimball comes to the rescue of their liar as he flounders in distress, sweating blood under the castigating queries of attorneys and committee, and shows again that his own moral status is as low as Henthorn's (p. 414):

By Senator KIMBALL: Q. As you understand it, Mr. Henthorn, the way political campaigns are conducted nowadays, it has come to be a common practice for the organs of one political party to distort the truth, and even to make statements that are not true, for the purpose of downing the other party in the campaign, has it not? A. Yes, sir.

Q. And because the editor of a party newspaper or an employé upon such paper resorts to these means during a campaign, you do not think he thereby forfeits his right to be believed when he testifies in court, under oath? A. I most assuredly do not.]

But to resume the report:

"And so it came to pass that on the next day after the explosion, and without a single fact to support the statement, special dispatches were sent out to the principal Democratic papers of the West, charging in effect that it was a part of the Republican plan to give effect to the Vidette expose to deposit the dynamite at Coffeyville, to be sent to Winfield and there secreted, to be found in the possession of members of that organization, and thus be able to prove that they were in fact dynamiters as well as anarchists; and from that time until after the election the Democratic press in and out of the State teemed with so-called dispatches, editorials and clippings, in which the responsibility for this affair was charged upon the Republican party. The Vincents, as would be expected, approved of the plan, and their paper was not behind in the matter, there being this difference; however, that after the campaign was over the decent Democratic papers generally allowed the matter to drop. Not so, however, with the Vincents. It was the only good chance they had to get back at Mr. Greer for the punishment they had received at his hands, and they made the most of it. The exposure had broken the power of the order of Videttes and had much to do with the defeat of the Union Labor ticket in many localities in the State, and they and some other members of the order were bound to have satisfaction. The charges were

kept up in the *Nonconformist*; and, by means of ready-prints furnished by that office, republished in other Union Labor papers in the State. Gradually becoming more bold, they charged in their paper in May, 1889, that E. P. Greer, C. A. Henrie, Governor Humphrey, Bion S. Hutchins and Henry Booth were the direct agents of the Coffeyville explosion; and this was followed in the same year by the publication of a so-called "History of the Coffeyville Dynamite Outrage," which has been frequently referred to by counsel and the witnesses in this investigation as the "Red Book." It is a compilation of various newspaper articles upon one side of the subject. This book has been heard from in various portions of the State, and seems to have had a wide circulation. From it Mrs. Lease, and numerous other Alliance speakers during the last campaign, seem to have taken their text or drawn their inspiration. With the way prepared as we have seen; with the Alliance—formerly Union Labor party—in control of the House, with a chance to put up a committee, a majority of which would be prejudiced against the Republican party in this and other matters, it was easy for the Vincents, who were on hand early in the session, to secure the passage in the House of the resolutions under which the committee was appointed. The Senate, being Republican, could have refused to concur in the resolutions; but a seeming unwillingness to join in the investigation would have been construed by many as an indication that the charges referred to were true; and so the resolutions were amended and passed, and the committee was appointed."

[See p. 93 of this volume, for the amendments referred to and the forgery of Senator Kimball. His inuendoes carry their own antidote, and his splenetic rhetoric would be more in place in regulation Republican stump speech than in an official document.—ED.]

"The political predilections of the members of the committee have been referred to in another place. Of the eight members of the House who have been appointed, all were members of the Alliance party but one. No Democratic member of the House was appointed. Of three members appointed from the Senate, the only Democratic member of that body was selected as one. While the theories which have been advanced to account for this explosion have been numerous, the resolutions ignore all except those which reflect upon the Republican party or some official or employé for whom it is responsible. Outside of and beyond the feelings of personal ill-will and malice which lie behind the matter, and the hope and purpose of smirching the Republican party and making political capital, there was no more reason why the Legislature of this State should, at an expense of twelve or fifteen thousand dollars, investigate the explosion at Coffeyville, even if it was criminal, than that it should investigate any other of the numerous crimes which have been committed in this State, the perpetrators of which are as yet undiscovered and unpunished. Whether these are sufficient and proper reasons and motives, we leave to the people of the State to judge.

"The motives and purposes of the persons who worked up this investigation have already been indicated, and are apparent. We have shown how their pertinacity and determination to accomplish their aims, coupled with the political prejudices that controlled one branch of the Legislature, resulted in bringing the great power of the State, through its Legislature, to bear, in

the hope of finding some evidence tending to prove charges which the evidence shows were absolute inventions, gotten up as a good political scheme to down the Republican party. And it should also be noted that the evidence of Mr. Henthorn as to the origin of these charges (409) is absolutely uncontradicted by any testimony in the case."

[Except his own proclamation of his lying proclivities—which render it unnecessary to cumber the record with further evidence—his own admission, and the necessity to "hold his job" on the pay-roll of Ed. Greer, nullify whatever of value might have attached to his "evidence."—ED.]

"The Vincents were present from the first to the last meeting of the committee; they selected and hired the attorneys who conducted the Alliance side of the investigation, and were afterwards paid by the State."

[Correct, and Bion Hutchins selected the attorneys who defended the cause of the Republican party and their *anarchist protégé*—C. A. Henrie, which attorneys were also paid by the State an equal sum with the others.—ED.]

"They named the witnesses whom they desired, and they were all brought before the committee, and if they and their "mic'saders" have not succeeded in downing those who accomplished their undoing, it is certainly not their fault.

"Another matter indicating the motives, the animus behind this investigation, and the report which will be made by the four Alliance members of this committee, should not be overlooked. It was plainly evident after the close of the testimony, indeed it was ill concealed before, that these members of the committee intended, in so far as in their power, to throw the responsibility for this explosion upon the Republican party, as charged by the resolutions and the Vincents.

"In this connection it should be remembered that this committee is a public tribunal with high and important functions, and it was properly directed, by a Senate amendment to the resolutions, to hold its sessions with open doors; that its report, sustaining or destroying the character and good name of this one or that one, is not only printed and distributed to the public, but goes into the public archives, to make a part of the official history of this State forever. Under these circumstances, the proper performance of official duty would seem to require that any findings made by a portion of the committee, which are to have a place in the public report, should be presented to and considered by the committee; and a fair opportunity given to show, if possible, that the conclusions were erroneous and baseless. Especially would this seem to be the only proper course where individuals were to be inculpated. Their names, and the extent of the findings against them, should be laid before the committee, and an opportunity afforded for a fair statement in reply as to each person and accusation. If the conclusions were honest deductions from the testimony, there could be no possible objection to this course.

"These suggestions being self-evident, it seems proper to refer to what has in fact been the action of the Alliance members of the committee. Their caucuses and consultations have been held with closed and locked doors. No other member of the committee has been admitted. A secret report has been or is to be prepared. That it reflects upon the Republican party is a foregone conclusion, but upon what person or persons is unknown. A request to

have this report laid before the committee, coupled with a statement of what the report of other members of the committee would contain, and an offer to submit a draft of it so far as prepared, was ignored and refused, and it was announced that the contents of the report would not be divulged until all other reports were completed. (Page 606.) This action seems to be in accord with the political methods of the party which was in control of the House at the last session of the Legislature, to gain admission to the sessions of which, the password and sign were more potent than a properly authenticated card of admission, in the hands of the uninitiated citizen. The unfairness of this action, both to the parties implicated, and to those members of the committee who believe that there is no evidence sufficient to warrant a finding against anyone, is manifest. True theories and correct conclusions must be consistent with all established facts. Where no opportunity is given to point out the error, to show the facts inconsistent therewith, it is easy to suggest a theory or reach a conclusion, and to support it by garbled extracts from the testimony in such a way as to make it seem plausible and like the truth."

[We have already seen how much Senator Kimball has to prate of "garbled extracts," and we shall see more before we are done.—ED.]

"The facts referred to, showing the origin of this star-chamber manifesto, should of themselves be a sufficient answer and vindication to anyone who, by the findings of this so-called report, is found or declared to be in any way connected with the Coffeyville explosion."

[No one will take Mr. Kimball's word for it, but will read the report itself, and the evidence upon which it is based.—ED.]

"III.—OTHER FINDINGS, WITH REFERENCES TO THE TESTIMONY SUPPORTING THEM.—1st. We find that Mr. C. A. Henrie was not at Coffeyville on the 18th of October, 1888; that he was not the man who left the box containing the explosive with Mr. Upham, if in fact any such box was left with him; and that he had no connection whatever with the explosion. This finding is supported by such indubitable and conclusive proof that no unprejudiced court or jury would hesitate for a moment in agreeing to it."

[See Judge Webb's review of this point later in this chapter. Also, same letter for remarks on the credibility of McCray, Capper, and Scott.—ED.]

"H. M. Upham testifies positively that C. A. Henrie was not the man who delivered the box to him. He testified that the man who brought the box to the office stood in front of him, with the light of a large window shining directly in his face, so that he could not possibly be mistaken. That the man was heavier and older than Mr. Henrie, had black eyes, whereas Mr. Henrie's were blue, and other peculiarities and marks about his face that Mr. Henrie did not have. (38, 39, 43.)"

[But Mr. Kimball adroitly omits to quote Mr. Upham (pp. 596, 597):

Q. Since you have testified, have you had any conversation with Mr. Henrie with reference to the description you gave of the individual who delivered to you the box of dynamite, or explosive substance, on the 18th day of October, 1888? A. Well, I do not remember any particular conversation that I had with him, except the one after the adjournment of the sitting of this com-

mittee in the supreme court room. I think it was immediately after I had testified. He congratulated me on my serenity of mind under your cross-examination; and as my testimony regarding his eyes was a little mixed, I called his attention to it. He said, "The reason of that is, that when I am excited, my eyes seem to grow darker." And that is about all I remember of that conversation. There were quite a number standing around; it was not a secret conversation at all.

Q. Did he in that conversation say anything about the peculiar manner in which he batted his eyes when excited? A. Yes, sir; he said he winked his eyes, and they became a little darker when excited—seeming to help me out in the description of his eyes.

Q. Who was present at the time you had the conversation? A. Mrs. Upham was standing beside me, my wife—quite a number were standing around, but I do not know who the others were.

It will be noted that in the earlier days of the session, Mr. Upham believed in the innocence of Henrie. His views changed during the investigation, for he found Henrie to possess all the characteristics he at first failed to observe, even to the mark on his nose, which was quite noticeable when the light fell upon it at the proper angle to make it plain. This was common remark about the Senate chamber during the sittings there. In addition to the physical characteristics, Mr. Upham found that he possessed the debased moral nature necessary to the enactment of any political deviltry, and hearing all the evidence as he did, he changed front in his opinions, as honest men are bound sometimes to do.—ED.]

"Mr. D. O. McCray testifies positively, that Mr. Henrie was in Topeka on the 18th of October; and is able to fix the day beyond the possibility of a doubt to an unprejudiced mind. He was at that time associate editor of the *Topeka Capital*. The expose of the Videttes was published in that paper October 19th, and Mr. Henrie was in the office, once in the forenoon assisting in 'making up' the matter containing the expose, and in preparing a heading for the article; and again, to look over the proofs. (447, 453.)

"In this connection, it should be noticed that the expose as it was published in the *Capital*, and other papers, was mostly written, copied, and put into shape, by Mr. Henrie, Mr. Greer assisting, and Mr. Hutchins exercising a supervision over it; Mr. Henrie being at the time in the employ of the Republican State Central Committee; the work being done in a room at the Windsor Hotel, at Topeka. That it was planned to have it appear, first in the *Winfield Courier*, an evening paper, and on the next day, in other Republican papers in the State, and elsewhere. In order to accomplish this, the committee had procured the matter to be put in type, stereotyped, and when everything was ready, and a telegram agreed upon was sent to Mr. Greer, the editor of the *Courier*; he was to publish the matter in his paper, and the plates, or matrices, were to be at once sent out so that it could appear in the other papers on the next day. (Testimony of Greer, 95, 666; Hutchins, 513, 522, 543.)

"It should further be noted that the plates that were sent out only included the body of the matter constituting the expose, the editors of the different papers being left to furnish such display headings as they might deem proper. The heading in the *Capital* occupied nearly a quarter of a column. (See *Capital*, 98; testimony of McCray, 453, 460.) On the morning of October 18th, everything being ready, Mr. Hutchins sent to Mr. Greer the telegram agreed upon, 'O. K. All busy here.' (96, 522.) The expose was published in the *Courier* that evening, and in the *Topeka Capital* the next morning. (98, 473.)

"Frank C. Scott, who was foreman of the *Capital* office, testifies positively that he saw Mr. C. A. Henrie in the editorial rooms of the *Capital* with Mr. McCray on the 18th of October. He is able to identify and fix the date from the fact that it was the day before the *Vidette* expose was published in the *Capital*. He says that he went to the office about half-past twelve o'clock and found the stereotyped plates of the *Vidette* expose on the 'turtle' in his room; that he knew nothing about the matter, and went to the editorial rooms to see Mr. McCray about it; that he found him and Mr. Henrie there in consultation in reference to it, and Mr. McCray said he wanted to write a heading for it. He swears that he knows that the paper containing the expose was in fact published on the day it bears date, the 19th, the next day after he saw Mr. McCray and Mr. Henrie together in the editorial rooms in consultation in reference to the matter. (460-461.)

"Attention is here called to a typographical error which appears in the first part of the testimony of this witness, where, in asking a question, counsel is made to say Friday, October the 17th, instead of October the 19th. This error is also corrected in the errata. The error, however, is immaterial, as it is fully corrected by subsequent questions and the answers of this witness thereto.

"The testimony of this witness was regarded as so clear and conclusive upon this question as to the whereabouts of Mr. Henrie, that the able counsel for the Alliance refrained entirely from any cross-examination. (462.)

"Arthur Capper, at that time local editor of the *Capital*, testifies clearly and positively that he saw Mr. Henrie twice on the 18th of October, at Topeka, the first time early in the afternoon, and the last time later in the evening, after the Overmyer meeting, which he reported, and which report is published in the *Capital* of the 19th, together with an item written by Mr. Henrie in reference to the same meeting. A further fact sworn to by this witness, and which precludes the possibility of any mistake by confusing this meeting with any other Overmyer meetings held during that campaign, is, that after this meeting was over Mr. Henrie telephoned Mr. Capper that the meeting had degenerated into a big drunk, and the latter asked him to write it up. That later in the evening, Mr. Henrie came to the *Capital* office, and in Mr. Capper's presence wrote an item in regard to the drunk, which appears in the *Capital* of the 19th, with the report of the meeting referred to. (463.)

"Henry Booth testifies positively that he saw Mr. Henrie in Topeka at the Republican committee rooms on the 18th of October, the day before the publication of the expose by the *Capital*. He is able to further fix the date beyond the possibility of a doubt by his recollection of the fact that he was about leaving Topeka to attend a Republican rally at Ottawa, which was held on the 19th. He was giving directions to Mr. Hutchins, the secretary of the committee, as to what he should do while he was away when Mr. Henrie came

into the room where they were talking. He attended the rally at Ottawa the next day, which was the 19th, and there first heard of the explosion at Coffeyville. (469.)”

[Concerning the reliability of Henry Booth, please refer to Chapter IV of this volume.]

“C. A. Henrie himself testifies positively that he was in Topeka on October 18th, and for several days before that time, engaged in preparing the Vidette expose; that he never was in Coffeyville in his life. (173, 491.) His testimony agrees with Mr. McCray’s, as to assisting in preparing the heading for the expose on the 18th. (495.) He testifies that he was at the Overmyer meeting in Topeka on the evening of the 18th, and made a partial report of that meeting for Mr. Cummings, who was at that time business manager of the *Daily Sunflower*. (505.)

“The affidavits of John F. Cummings (448) and Mrs. Lucy Barlow (495) should also be mentioned. Mr. Cummings corroborates Mr. Henrie as to the report of the Overmyer meeting; and both affidavits show conclusively that Mr. Henrie was in Topeka on the 18th of October. Mr. Henrie explains how he came to procure these affidavits. Mr. Cummings was sick, and was going away. (504.) Mrs. Barlow, a married lady with a family, frequently moved from place to place. (502, 503.) The statements of witnesses in affidavits, where no opportunity is given to cross-examine, is of so little weight that it is not ordinarily received in judicial proceedings. Especially should such evidence be rejected in this kind of an investigation, unless strongly corroborated by the testimony of witnesses who appear for examination. These affidavits, being corroborated by evidence which is of itself conclusive, should be considered. The persons making them are, so far as the testimony shows, respectable people. Their credibility is not in any way impeached, and the fact that their whereabouts is now unknown shows that it was a proper and prudent step to secure their affidavits.”

[Mr. Kimball again betrays his intense partisanship by “garbling” the record in quoting only such portions as suit his purpose. We now refer the reader to the testimony of A. J. R. SMITH, which the honorable Senator forgot (?) to mention. (240, 241).

Q. Do you know a man by the name of Cummings? A. Yes, sir.

Q. What is his given name? A. J. F.

Q. What relation, if any, did he have with the paper called the *Sunflower*, published, I believe, in the city of Topeka? A. He had no relation whatever with it.

Q. Did he, on the 18th day of October, have any connection or relation with that paper, either as editor, foreman, manager, or in any other sense?

A. He might have been solicitor for advertising or job work.

Q. Was he general manager or editor at that time? A. No, sir.

Q. Was he foreman of the office? A. No, sir.

Q. How long have you been acquainted with him? A. I have seen him off and on for about six months, maybe a year; I do not recall when I first met him or when I last met him.

Q. Do you remember of having any conversation with him with reference to an affidavit that he made at the instance of Mr. C. A. Henrie? A. Yes, sir.

Q. When was that? A. I can only state the time by saying that it was a few days after the affidavit had been given; it was before the affidavit was published.

Q. Now, then, you may state to the committee what that conversation was. A. He said to me, "I have given Henrie an affidavit to help him out of his scrape," and he said, "Can they do anything with me for it?"

Q. What did you say to him? A. I said, Was not the affidavit true?

Q. What was his response thereto? A. He said "Of course not." After studying a minute or so, I replied: I do not think they will ever trouble you about it; that is all the conversation that was had upon the subject.

Q. Had you at that time seen the affidavit? A. No, sir.

Q. Have you since seen a published copy of the affidavit? A. Yes, sir.

Q. You may state to the committee, from your conversation with Mr. Cummings and your examination of the affidavit, as to whether or not the contents thereof were true? A. I had no conversation with Mr. Cummings upon the subject but what I have recited.

Q. Were you familiar with, and did you know the paper called the *Daily Sunflower*? A. Yes, sir.

Q. What relation did you have with that paper? A. I had no relation with the paper, other than a friendly relation with the parties interested in it.

Q. I will ask you to state to the committee if you know what that paper is? (Handing witness a paper.) A. That is the *Daily Sunflower*.

(Counsel offered and read in evidence the following local from the paper referred to:)

"Hon. David Overmyer spoke at the Grand last night."

Q. What is the date of the paper to which your attention has been called? A. October 19, 1888.

Q. Is there any published report of the speech of Hon. David Overmyer in that paper, as delivered by him on the 18th of October, 1888? A. No, sir.

Q. Is there any mention of his speech in that paper? A. It simply says he made a speech.

By Mr. CURTIS: Q. There are several comments in the paper about Mr. Overmyer, are there not? A. There are three editorial comments upon Mr. Overmyer.

"Did Overmyer sign the petition for the mayor and council to discharge the police last summer?"

"Is Dave the supposed champion of the people who by a special act of the Legislature took from the voters of Shawnee county the right to say whether or not they would have jails and jailer's residence, and by that act had the commissioners directed to build the same? He is that, and we ask the people what kind of champion he is."

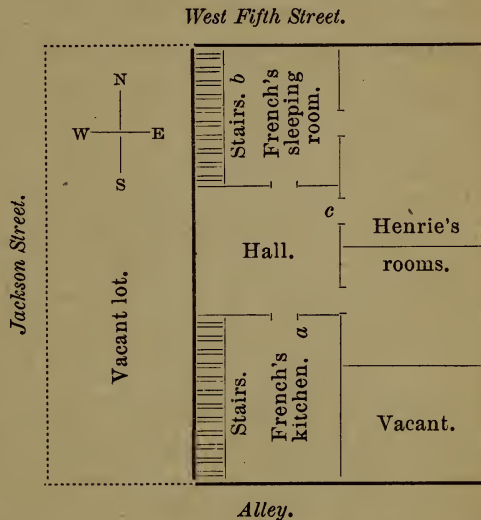
"When Dave Overmyer talks about little children working in New York, does he think the people do not know that Grover Cleveland vetoed a bill prohibiting the employment of children under thirteen years of age in the factories of New York?"

"Hon. David Overmyer spoke at the Grand last night."

Q. Is that the only report that appears in that paper of the speech delivered by Hon. David Overmyer? A. That is all the report of the speech, but I see some more reference to Mr. Overmyer.

(Mr. Curtis said that he admitted that there was no report of the speech in the *Sunflower* of that date.)

Mrs. Lucy Barlow was a close personal friend of Henrie's wife, and the circumstances under which her affidavit was secured demonstrates that he was imposed upon and did not have time to fully consider the import of what she signed, if indeed she understood it at all. She was living, at the time of securing the affidavit, in Kansas City, Missouri, and Henrie, accompanied by his wife, called at her residence on Independence avenue, but she was not at home; they called again later in the day, and taking Mrs. Barlow with them, they proceeded to Kansas City, Kansas, where the affidavit was signed and certified. It has never yet become known *why* they passed scores of notaries in Kansas City, Missouri, to select this one in Kansas City, Kansas. The circumstances surrounding the securing of this affidavit were so peculiar as to warrant further investigation. Mrs. Barlow is the daughter of Mr. Edwin French, and they lived together with C. A. Henrie and family, in the same "flat," a diagram of which is here shown.



During the excitement incident to the publication of the *Capital* article and the explosion at Coffeyville, Mr. French sat one day at the door marked *a* in the above diagram, which door was open. A stranger came up the stairs marked *b* and knocked at Henrie's door, marked *c*—Mrs. H. responded to the knock and substantially the following conversation ensued:

Stranger.—Is Mr. Henrie at home?

Mrs. Henrie.—He is not.

S.—Can you tell me where he is?

Mrs. H.—I think he is in Kansas City.

S.—Can you give me his whereabouts or tell me where I can find him?

Mrs. H.—I cannot.

After some more questions by the stranger, who seemed very desirous of finding Henrie, he departed, and Mrs. Henrie being asked who the stranger was, replied substantially: "I don't know who he is; there are so many men running here to know where Charlie is, and if I knew, I wouldn't tell them; I ain't going to give him away." The impression upon the mind of Mr. French, who was an unwilling listener, was, that Mrs. Henrie had been charged to keep silent about her husband's whereabouts and that she was following instructions.

Read now the affidavit of the father of Mrs. Barlow, a man who made this statement, with all these incidents burned into his mind by his close association with a man charged with a great crime. (178.)

STATE OF KANSAS, LINN COUNTY, SS.

Edwin French, of lawful age, being first duly sworn, on his oath doth say that he is acquainted with one C. A. Henrie, of Topeka, Kansas, and has been acquainted with the said C. A. Henrie for the four years last past. To my personal knowledge the said C. A. Henrie left his home in Topeka, Kansas, one or two days before the announcement in the daily papers of the explosion in Coffeyville, Kansas, of a dynamite bomb consigned to Winfield, Kansas, on the date of October 18th, 1883, and to my knowledge he did not return to his home until after the above announcement of the said explosion in the daily papers. At the time of his return, I was standing in the hall-way of Fifth street entrance of No. 119½ Fifth street, in the city of Topeka, Kansas, at the hour of between ten and eleven p.m. When he entered he had in his hand a traveling bag or "gripsack," as though he was just returned from a journey. I said to him in substance as follows: "This is a nice time of night for you to come slipping in home," to which remark he made no reply, but passed on upstairs. To the best of my knowledge and belief he remained at home all the following day. Shortly afterward, I obtained a copy of the daily paper, the *Kansas City Times*, charging the responsibility for the said explosion of dynamite on the said C. A. Henrie. I took this paper to him and called his attention to this charge. I left the paper with him. During the second day after his aforesaid arrival, the request came to me through my daughter, Mrs. Lucy Barlow, for us not to mention his being at home. At various times during the succeeding few days he jokingly referred to bombs and dynamite. After the election, as my memory serves me, a suit of clothes was sent to the house for him in his absence, and at first he appeared not to know where the goods came from, but subsequently said to me: "I am not satisfied with a suit of clothes, but I will have the position promised me in the Labor Bureau or I will raise hell." It was common talk between his family and mine for some weeks, that he was to have a position in the State Labor Bureau. The family of said C. A. Henrie moved into the said 119½ [west] Fifth street, Topeka, Kansas, about the middle of September, 1888, and during the absence of said Henrie in New York, whither he said he was going to attend a United Labor, or Henry George convention; the wife of C. A. Henrie stated to me and to my daughter aforesaid, that he had received the sum of one hundred and fifty dollars with which to attend said convention. I lived in the same house with C. A. Henrie, No. 119½ [west] Fifth street, from about the middle of September till about December 15, 1888, about which time I moved to Monroe street, Topeka, and thence in a short time to Kansas City, Missouri. I have lived in Mound City, Kansas, since June, 1889, and am a blacksmith by trade, a life-long Republican in politics, and served four years in the United States navy.

EDWIN FRENCH.

Subscribed and sworn to before me, this 2d day of September, 1889.

JOHN C. CANNON, Notary Public.
(Term expires May 2, 1893.)

Mr. Kimball conveniently forgets (?) to mention this evidence which completely destroys the credibility of the Barlow affidavit, yet the Senator persists in quoting that and endeavoring to hide this, only to throw discredit upon it later in the report. Not contented to simply conceal, so far as possible, those portions of testimony (French and Smith) which completely over-

throw the testimony of Cummings and Mrs. Barlow, he goes farther, and asserts in his report that "their credibility is not in any way impeached." Can blind partisanship and conscienceless "garbling" go farther?—ED.]

"The testimony of Judge Reed should be mentioned. He produced the registration books of the ward in which Mr. Henrie lived, and which showed that he was in Topeka and registered as a voter on the morning of October 19th. (482.) The testimony of several witnesses also shows that he was in Topeka on the 17th, attending to the final work in reference to the publication of the expose, and for several days prior to that time.

"As against this mass of testimony, all of which, excepting probably the two affidavits, will be recognized as legal and competent evidence, what is there in the way of proof—it should be remembered that charges and insinuations, no matter how often repeated, prove nothing—that would be received in any court showing that Mr. Henrie was not in Topeka, or that he was in Coffeyville, on October 18th, 1888? If this positive and uncontradicted testimony as to his whereabouts on that day was all stricken out, there would still be nothing from which any unprejudiced tribunal could find that he was at Coffeyville on that day."

[Judge Reed's testimony is entirely worthy of credence. He is a gentleman who appeared to good advantage on the stand. His testimony concerning Henrie is straightforward and honest, but not touching a vital point, is of *no value* in the controversy on either side. He showed the registration books to prove that Henrie was in Topeka on the *nineteenth* of October, which in no way disproves his presence in Coffeyville on the 18th, for he could leave that city in the evening and be in Topeka the following day.—ED.]

"It has been suggested by certain members of this committee that, with an extra suit of clothes and a false beard, Mr. Upham's description of the man might be made to fit Mr. Henrie. Mr. Upham describes the man as having a beard of three or four weeks' growth. It is well known that false beards of this kind are not usually made, and if made and worn would at once betray the fact. Mr. Upham makes no statement to indicate that the man wore a false beard, and he points out other physical differences between Mr. Henrie and the man in question which cannot be counterfeited, and testifies positively that Mr. Henrie is not the man. But it has been more than suspected by members of this committee that Mr. Upham was not telling the whole truth about this matter. And this has been construed, by those whose prejudices would lead them in that direction, to mean that he was endeavoring to shield Henrie or the Republican party. Mr. Upham knows that the truth of his story of the strange man leaving the box with him is not unquestioned. His first cross-examination by Republican counsel at the beginning of the investigation showed that. Why, then, should he shield Mr. Henrie? Would it not be more natural for a man so situated to fasten the responsibility upon somebody else who was already charged with it, and thus clear himself from suspicion? Why should he endeavor to protect the person or political party, the representatives of which were plainly showing their belief that he, himself, and not any other man, was responsible for the explosion? Members of the committee who are forced to go to Mr. Upham's testimony from which to find that Mr. Henrie is guilty are indeed hard pressed for evidence to support their views.

"Now as to the testimony of I. M. Waldrop, who was station agent at Valeda, about twelve miles east of Coffeyville, at that time. He says that just after it was getting dark in the evening after he heard of the explosion, he saw two strangers at the depot, and that Mr. Henrie would fill the bill as to one of them as near as he could recollect; would not say positively, but rather believed that he was one of the men he saw there in 1888. (571, 572.) This part of Mr. Waldrop's testimony should be considered in the light of the admission that he makes, that before he was called to the stand he was taken in charge by a so-called detective by the name of Highleyman, who has several times appeared upon scenes during this investigation as a witness and otherwise, and by him conducted to the door of the room where the committee was in session and told that Mr. Henrie, or the man suspected of being at Valeda, was in the room. (572.) What other hints he received from the detective, we are not advised, but as showing the feelings and prejudice of the latter in the matter, we refer to his testimony where he swears he does not believe a man could have been convicted of this crime if he would confess his guilt. (580. See also 242, 245.) Mr. Waldrop further testified that the man at the depot who resembled Mr. Henrie was larger or fleshier every way than Mr. Henrie, with a fuller face, and that both of the men there had beards of one or two weeks' growth. (574.) The contradictions and inaccuracies of his statements should be noted. He says first, that he presumes he heard of the explosion on the same evening that it happened, but is not positive (571); again, says he is positive he heard of it the same evening (573); and again, says he is pretty positive, but could not say, it has been so long since the explosion. He testified that he had quite a conversation with the man he thought Mr. Henrie resembled, but says nothing about his having any peculiar accent. He told Mr. Clifford in 1888, that he talked politics with this man; that he had foreign accent, and was evidently not of American birth. (369.) Mr. Henrie has no foreign accent, and is of American birth. If he was there, fleeing from the scene of a crime, and was trying to put on a foreign accent as a disguise, he would not be talking politics; he would have kept himself out of the way, and had as little to say as possible. The description which Mr. Waldrop gave to Sheriff Connor (603) differs in many other respects from that which he now gives. (574.)

"The testimony of Mr. N. M. Clifford, a deputy sheriff, in reference to the description of the two men given him by Mr. Waldrop, and which was taken down at the time (369), show his statement in regard to the foreign accent of the person now said to resemble Mr. Henrie, and other discrepancies between the description given then and now, which tend materially to weaken Mr. Waldrop's testimony. And there is nothing in any of Mr. Clifford's testimony that in any way tends to show that Mr. Henrie was there at that time. Mr. Clifford says he heard of two strangers who had stopped at the Southern Hotel, in Coffeyville, on October 18th, registered as Chart Harvey and James Koken, of Cheney, Kansas. He secured a description from the landlord, and hearing that they had gone east, went to Valeda and saw Mr. Waldrop, and got from him a description of the two men that he had seen. (369.) While there were some variations in the descriptions of the two men, as given by the landlord and by Waldrop, yet he thought they were the same persons."

[Mr. Kimball recognizes the peculiar strength of Waldrop's testimony owing to his frankness of manner, and hence his studied effort to throw a cloud

over its credibility. Waldrop was told that a party was in the Senate chamber who was suspected of being at Valeda October 18, in the evening. He went inside the rear door and stood for about ten minutes scanning the people present and *failed* to find a man who resembled either of those whom he saw at Valeda. He started across the room to a seat, and in passing his quick eye caught sight of one who had been hidden from his view by the portly form of Judge Webb. At once he said, "That is the man," and this man was *C. A. Henrie*. When Mr. Waldrop was called to the stand Henrie had urgent business in the cloak room, and business was suspended until the Sergeant-at-Arms could discover his whereabouts and bring him in to be identified, as he was in the following language (572):

Q. After having observed Mr. Henrie here, and instituting such comparisons in your mind as you are able to do, what is your best judgment as to whether he is one of the men whom you saw on the 18th of October, at Valeda? A. Well, I rather believe he is.

The caution of Waldrop showed his entire lack of prejudice and a desire to wrong no one, nor to defeat the ends of justice by taking refuge in the "forgetfulness" so conveniently useful to several of the Republican witnesses.—ED.]

"The testimony of Mrs. Cougher should also be mentioned. It is a pity that the readers of this report cannot see this woman as she appeared to the committee—a hardened, abandoned woman, divorced from her first husband, separated from her last, with whom she had lived in adultery, as she admitted, for three months before she was married to him; the venom of her unbridled tongue seemed directed against everyone. So far as her testimony bears upon this question, she said, in substance, that her husband told her—we presume this was before they had separated, though the testimony does not show—that Mr. Henrie was the man who delivered the box of dynamite at Coffeyville, to be deposited at the *Courier* office, and finally to injure the Vincent brothers; and that Mr. Hutchins and Mr. Greer's names were mentioned in connection with the matter. (211, 212.) This testimony was admitted over objections which ought to have been sustained. It was hearsay of the worst kind. Was Mr. Cougher stating what he knew, or what he had heard, or had read in the *Nonconformist* or some other paper, or where did he get his information? For many good reasons the law provides expressly that conversations between husband and wife shall not be received in evidence. (General Statutes of 1889, sec. 4418.) So this is no evidence at all. Beyond this, she testified that she heard her husband, Mr. Cougher, say, laughingly, to Mr. Henrie, "Where did you stop while at Coffeyville?" In reply to which, she says Mr. Henrie stated the name of the hotel, but she did not remember it. (212.) Mr. Cougher, although unfriendly to the present administration, because he did not get the appointment as Labor Commissioner (357), positively denied the statements made by this woman, as also did Mr. Henrie. (493, 494.)"

[Mr. Kimball here outdoes himself in vituperation, for the purpose of breaking down the credibility of this witness, and if shame were a possible

thing to an "age of consent" Senator, (see p. 472, Senate Journal 1889, where is recorded Mr. Kimball's vote *for* the bill to reduce the "age of consent" to 12 years,) surely his cheek would color when he looks at the above extract from his report. Suppose we admit she was twice unfortunate in marital affairs. Does that destroy her credibility? When she married Mr. Cougher, it seems he had not been divorced from his former wife the necessary time required by law, and the ceremony was repeated—this is the "adultery" referred to by the Senator. (See Mrs. Cougher's testimony later on.)

Mr. Kimball rejects the *woman's* evidence, yet accepts with a hearty indorsement the *man's*, when both are morally and legally in the *same* position. We protest against this unfairness—beg pardon, we forgot for this moment that the Senator was incapable of fairness. Her language and bearing before the committee was lady-like, and she had no harsh language for anyone, and her tongue was *not* "directed against" anyone. She admitted, when expressly asked by Republican counsel, that she was not living with her husband, and when farther pushed admitted that the feeling existing between them "was not the most pleasant," but she said not one word against him or against anyone else, except as the truth must be told in answer to questions put by counsel. She exhibited no feeling of ill-will toward anyone, and the above exhibition of vituperation from the Senator's pen can only be explained on the theory that she told the truth, and her credibility must be questioned, even if it should ruin the future prospects of a woman having four children, three of them dependent upon her own efforts for a living. Because Mr. Kimball has seen fit to wantonly attack this witness, we append her testimony in full, and call attention to that portion regarding Governor Humphrey's alleged visit to the Labor Bureau. (Questions 21, 22, 23, 24.) And again, in the cross-examination, when the Governor was pointed out to her, notice how promptly and clearly she states that he was not the man who had been represented to her as being the Governor. Her manner on the witness stand convinced all unprejudiced persons present of the truth of her evidence, which is here introduced.

First, however, concerning the denials. No one ever pretends to believe or pay any attention to what Henrie may admit or deny, but from p. 357 we clip Mr. Cougher's alleged "denial."

Q. I will ask you to state if you ever at any time told your wife, Anna Cougher, that you knew of the explosion at Coffeyville, and that the object was to deposit a box in the office of the *Courier* at Winfield? A. No, sir; not to my recollection.

Q. Did you ever tell your wife that C. A. Henrie was the man who delivered the box at Coffeyville? A. Not that I recollect of.

Q. Did Mr. Henrie ever say to you in the presence of your wife, while talk-

ing about the charges contained in the red book, that he was at Coffeyville, and give you the name of the hotel at which he stopped? A. Not to my recollection.

It is noticeable that he does not "positively deny" the statements, but takes refuge in general forgetfulness.

MRS. J. G. COUGHER, being duly sworn to testify to the truth, the whole truth, and nothing but the truth, upon the subject-matter under investigation, testified as follows: (pp. 209 to 216.)

By Mr. HENDERSON: Q. You may state your name to the committee. A. Mrs. J. G. Cougher.

Q. Are you acquainted with J. G. Cougher, who was upon the witness stand yesterday? A. I am.

Q. What relation do you bear to him? A. I am his wife.

Q. Do you know what business Mr. Cougher was engaged in in 1889? A. He was Assistant Labor Commissioner of the State of Kansas.

Q. During any part of that year were you engaged in work in the office in which he was employed? A. Yes, sir.

Q. What duties did you perform there? A. Such as he instructed me to, such as filling out reports, looking them over and sorting them out.

Q. There as a sub-clerk? A. Yes, sir.

Q. How much of the time during the year that I have mentioned were you at work in the office? A. I was not at work, but was there the greater part of the time, according to his wishes.

Q. Were you at that time acquainted with one Mr. McCray? A. No, sir; not acquainted.

Q. Did you know him when you met him? A. I knew him, for I had been told that he was Mr. McCray.

Q. By whom were you informed? A. Mr. Cougher introduced me to him.

Q. Did you learn from any source what duties he at that time performed? A. He told me he was in the Governor's office.

Q. Are you acquainted with one C. A. Henrie? A. Yes, sir.

Q. Do you see him in the room now? A. Yes, sir.

Q. Is that the gentleman sitting there the other side of Mr. Curtis? (Counsel points to Mr. Henrie.) A. Yes, sir.

Q. How long have you been acquainted with Mr. Henrie? A. A little over two years; since November or December, two years ago.

Q. During that period of time, I will ask you to state to the committee if you resided in the same house with him? A. I had a room in his house.

Q. Who occupied that room? A. I did, myself.

Q. In company with whom? A. No one, except at times.

Q. Was your husband with you at that time? A. I had no husband at that time.

Q. Are you acquainted with Governor Humphrey? A. No, sir.

Q. Do you know him when you see him? A. I think I would.

Q. Do you remember of having seen him in the office in which you worked in 1889? A. At one time I was told that that was Governor Humphrey.

Q. By whom were you so informed? A. Mr. Henrie.

Q. I will ask you now to state to the committee if you had any conversation with Mr. McCray in the office of the Commissioner of Labor or the Labor Commissioner with reference to any affidavit that was then required of Mr. Henrie. A. Yes, sir.

Q. You may state to the committee when that was. A. I cannot say what time it was; it was in the middle of the summer — perhaps August — when he came to the office. Mr. Henrie was out. I was the only one in the office, as my husband was sick and at home. He asked me where Mr. Henrie was. I told him he had just stepped out and that he would be in presently. He waited a little while, and then went somewhere out of the room. Mr. Henrie did not come, and he came back again in a few moments. Mr. Henrie came, and Mr. McCray handed him these affidavits, telling him he would have to sign it, and told him: "This is the only way out of it." These are the identical words.

Q. Did you have any occasion to examine the affidavits, or either of them, that at that time was delivered to Mr. Henrie? A. I did; one of them.

Q. Were these affidavits left in the office in the custody of any person in the absence of Mr. Henrie? A. No, sir; they were left with Mr. Henrie.

Q. Which affidavit was it that you read? A. The one I read was pertaining — was wanting him to make a denial of the charges that were made against him in this dynamite explosion.

Q. Who do you mean when you refer to "him?" A. Mr. Henrie.

Q. I will ask you to examine the affidavit herein contained, (calling witness's attention to exhibit 6, at the bottom of column three of page one,) and state to this committee whether or not that is a copy of the affidavit which you read, or the one to which you refer? A. That is just as near as I can remember it.

[Here follows copy of affidavit.]

Q. Do you remember how many affidavits were presented to Mr. Henrie by Mr. McCray at the time of the conversation to which we have already referred? A. Two.

Q. Do you remember what time of day it was that Mr. McCray and Mr. Henrie had the conversation in relation to the affidavit about which you have

just testified? A. I do not know just what time it was; in the forenoon, near noon.

Q. Did you observe what Mr. Henrie did with the affidavits at that time? A. He put them in his pocket.

Q. Did you see them afterward? A. One of them.

Q. When, with reference to the conversation between himself and Mr. McCray? A. After that. He just handed them to my husband when he got able to come to the office to read, and, laughing, Mr. Cougher said to him, "Can you swear to that?" Henrie laughed back and said, "I can swear to anything."

Q. When did that conversation take place? A. Soon after the affidavits were brought in there, in the middle of the summer.

Q. You do not remember how many days? A. No, sir; it was soon afterward.

Q. Do you remember the fact of the publication and circulation of a book called "The Red Book?" A. Yes, sir.

Q. Published and circulated by the Vincent brothers? A. Yes, sir; I remember of seeing it in the office when it was handed around to read.

Q. Do you remember of hearing any conversation between your husband and Mr. Henrie in reference to the contents of that book? A. Yes, sir.

Q. What was that conversation, or those conversations, in substance? A. Well, it was only in regard to what the book was written about, exposing Mr. Henrie and claiming he was the guilty man.

Q. What did Mr. Henrie say in answer to the charges contained in the red book against himself? A. Well, he said he did not give (with an oath); that he got a job, anyway.

Q. What job did he refer to? A. I supposed he referred to the clerkship in the Labor Bureau Department.

Q. Was it a common thing for your husband and Mr. Henrie to converse with reference to the contents of this book? A. It was an every-day subject.

Q. In that connection was there anything said about Mrs. Lucy Barlow? A. No, sir; that was prior to that.

Q. Well, you may state what was said by Mr. Henrie with reference to Mrs. Lucy Barlow. A. The only recollection I have of anything was in Mr. Henrie's house, and we were speaking about her having the room that I had, and he saying that he could get an affidavit from her.

Q. Do you remember what he said as to the character or kind of affidavit he could obtain from her? A. No, sir.

Q. Do you remember whether or not he said in that conversation, or any conversation you had with him, or heard between himself and any other person, that she would swear to anything that he desired? A. No, sir.

Q. Did you ever hear Mr. Henrie say to any person in your presence, or to yourself, the object of the dynamite that exploded in Coffeyville? A. I never heard Mr. Henrie say anything about that.

Q. Did you ever have any conversations with any persons with reference to the object? A. I did with Mr. Cougher.

Q. When was that with reference to the publication of the book that had been designated as "The Red Book?" A. Sometime afterwards.

Q. What was that conversation?

Mr. Curtis objected to the reception of this testimony, on the ground that it calls for a conversation between husband and wife, and is clearly incompetent; mere hearsay evidence, and too remote to be of any value to the committee.

Senator Kimball said he thought the testimony ought to be excluded.

The objection was overruled by the committee, and the witness was directed to answer.

A. He said the object was to deposit it in the *Courier* office at Winfield, Kansas, and finally injure the Vincent brothers.

Q. Did he in that conversation state to you anything that Mr. Henrie had said to him in reference to that matter? A. No, sir.

Q. In that or any other conversation, was there anything said about the person who delivered the box of dynamite to the express agent at Coffeyville? A. Between Mr. Cougher and myself? Yes, sir.

Q. You may state to the committee what that was. A. He said, "Mr. Henrie was the man;" these words.

Q. Did you have any conversation with Mr. Henrie, or did you hear any conversation between your husband and Mr. Henrie, in which Mr. Henrie said anything in reference to the fact of his visit to Winfield, Kansas, at any time during the year 1888? A. Nothing, only that he admitted that he had been there.

Q. What did he say in connection with the fact of his visit to Winfield? A. A. Nothing more than that he had been there.

Q. Was there anything said about what he handed the boys? A. He said he had a drink with the boys.

Q. Did you hear Mr. Henrie make that remark yourself? A. I did.

Q. Did you hear Mr. Henrie say anything about where he stopped when in Coffeyville at the time of the delivery of the box of dynamite there to the express agent? A. Nothing more than that Mr. Cougher laughed and said to Mr. Henrie, "Where did you stop while at Coffeyville?" Mr. Henrie stated the name of the hotel, but I do not remember what it was.

Q. State to the committee if you heard any conversation between your

husband and Mr. Henrie, immediately before the adjournment of the Legislature of this State two years ago. A. Yes, sir.

Q. And if that conversation referred to his appointment, you may state what was said. A. Mr. Cougher came down and I was in the room; Mr. Cougher said to Mr. Henrie, "I do not believe you will get a job." Mr. Henrie said, "I will; they dare not refuse me now."

Q. In any conversation between Mr. Henrie and your husband, were there names of other persons mentioned in connection with this Coffeyville dynamite explosion? A. Yes, sir; two others.

Q. You may state the names of these persons. A. One was Mr. Hutchins, and one was Mr. Greer.

Q. Do you remember what was said, and in what connection these names were mentioned? A. Nothing more than that they would be of no assistance to him in getting his position.

Q. Was there anything said, in that connection, as to the parties named being compelled to aid him? A. No, sir.

Q. Was there anything said in that conversation with reference to the Republican State Central Committee? A. Never heard it talked about.

Q. Generally, and in connection with this matter? A. Yes, sir.

Q. Can you call to mind any special statements of facts that were made by Mr. Henrie to your husband in your presence in relation to the Republican State Central Committee? A. No, sir.

Q. Do you state to the committee that you have not even heard it spoken of? A. Yes, sir.

Q. Prior to the delivery to Mr. Henrie of the affidavits about which you have already testified, I will ask you to state to the committee if Governor Humphrey came in the office where you were? A. At one time.

Q. When was that in reference to the time of the execution of the affidavits in question? A. It was before the execution, as they had not been signed yet; he said they would have to be signed.

Q. You may state to the committee what the Governor said when he came into the room. A. Well, he just said, "Sign them;" that is all I heard.

By Mr. CURTIS: Q. Where are you living now? A. Salida, Colorado.

Q. When did you come to this city? A. Last Monday.

Q. Where have you been stopping since? A. At number 711 Quincy street, at my mother's.

Q. Do you know Mr. Vincent, sitting by you? A. Monday night I was introduced to him in a lawyer's office.

Q. Are you living with your husband now? A. No, sir.

Q. How long since you lived with your husband? A. It has been little over a year—about thirteen months.

Q. Were you living with him when you occupied rooms in the house that Mr. Henrie lived in? A. No, sir.

Q. Where were you living at the time you worked or assisted in the office? A. On Buchanan street.

Q. What are the feelings that exist now between yourself and your husband? A. They are not the most pleasant in the world.

Q. What is the feeling existing between yourself and Mr. Henrie? A. All right; I have no personal feeling against him.

Q. You say that Mr. Henrie said or admitted that he had been to Coffeyville? A. He admitted it to my husband in my presence.

Q. When was it that he spoke about having been down to Winfield? A. It was just after this book was published, and the statement was going around through the papers, and was daily talk.

Q. Was that at the same time he admitted to have been down to Coffeyville? A. No, sir; there might have been two or three days' difference.

Q. You say that your husband asked him where he stopped in Coffeyville, in a joking manner? A. Yes, sir.

Q. Is it not a fact that most of the talk that was had there in the office about this red book was in a joking manner? A. Not all of it.

Q. Well, was it not all with reference to the connection that Mr. Henrie had in the matter? A. It did not seem to worry him.

Q. Was it not like other matters published about a person reflecting upon their character, and they did not like to say anything about it only in a joking manner? A. He did not like to hurt his feelings any more than was necessary.

Q. How did Mr. Henrie reply to your husband, in reference to the hotel he stopped at? A. Candidly he told where he stopped, but I do not remember.

Q. Was it at the Bobbitt House? A. I would not undertake to say.

Q. Does that sound like it? A. I do not know.

Q. Is that the time he claimed he drank with the boys? A. No, sir; at Winfield.

Q. Were these affidavits signed at the time Mr. McCray had them in the office? A. Certainly not.

Q. How many days after were they signed, if you know? A. I do not know.

Q. Was the one signed at the time you read it over? A. I read it once before it was signed, and once afterward.

Q. It was not hid in the office from you, was it? A. I never looked for it; I do not know whether it was or not.

Q. In whose handwriting was that affidavit? A. I do not know.

Q. Was it in Mr. Henrie's handwriting? A. I do not know. I would not

know his handwriting; although I have seen it a great deal in the office, I would not know it if I should see it now.

Q. Did Mr. McCray bring it there already prepared? A. All except the signing, to the best of my knowledge.

Q. Isn't it a fact that he came in there and talked about it, and that Mr. Henrie, after he had talked with him, prepared the affidavit, and then Mr. McCray brought them in? A. I do not know how that was fixed.

Q. They were not signed at the time they brought them in to Mr. Henrie? A. No, sir.

Q. Was the one you read written out on the type-writer or in long-hand? A. It was just a blank affidavit and prepared —

Q. What do you mean — were the dates in? A. Just the blank places for his name and date.

Q. The dates above and below? A. All of them.

Q. Was there any printed matter upon the affidavit? A. Yes, sir.

Q. What part was printed? A. It was a blank affidavit; that is, all the printing that was on it, and the rest was filled in writing.

Q. Was the printed matter on it a letter-head? A. Yes, sir.

Q. Was no part of the affidavit printed? A. I think not.

Q. What was the letter-head? A. It was not a letter-head; it was a blank affidavit.

Q. I understood you to say it was a letter-head? A. It was not a letter-head, no, sir; it was a blank affidavit.

Q. What kind of paper was it written on, if you remember? A. It was copied on paper something like letter-head; it was on broad, flat paper.

Q. Not on legal-cap? A. No, sir; on broad, flat paper.

Q. Do you remember the printed matter that was on it? A. No, sir.

Q. You are sure there was some printed matter about the affidavit, are you? A. Very few words.

Q. Did Mr. Sterne come over to the office and swear Mr. Henrie to it? A. No, sir.

Q. He was not sworn to it in the office? A. No, sir.

Q. How many times was the Governor in the office to see him? A. Only one time, to my knowledge.

Q. Is that the gentleman you called the Governor (pointing to McCray)? A. No, sir.

Q. Who do you say that gentleman is? A. That is Mr. McCray.

Q. How many times was Mr. McCray in the office to see Mr. Henrie? A. Only one time when he made his business known to me.

Q. Was the Governor in the office at any time to see Mr. Henrie? A. That gentleman never was (pointing to the Governor).

Q. That gentleman is Governor Humphrey, and you say he was never in there to see Mr. Henrie? A. No, sir.

Q. You say now that Mr. McCray was never in to see Mr. Henrie but once about this matter? A. Not to my knowledge. He was in twice the same day; he went out and came back.

Q. You say your husband told you? A. No, sir.

Q. The gentleman that Mr. Henrie told you was Governor Humphrey was not him? A. Not this man (pointing to the Governor).

Q. How long were you in the office helping your husband? A. I did a great deal of the work there the greater part of the summer of 1889.

Q. Were you then married to your husband at that time? A. No, sir.

Q. Did you marry him afterward? A. Yes, sir.

Q. When did you marry him, Mrs. Cougher? A. I do not remember.

Q. Near as you can? A. It was the 6th day of October, 1889.

Q. How long did you live with him? A. Until the 15th of January or February, 1890.

Q. Then you only lived with him about three months? A. We were married, if I have to state it all, and it was not legal, and we were married over again.

Q. Did you live together as husband and wife after this first marriage? A. Yes, sir.

Q. Why was not your marriage legal? A. Because the right time had not expired after he had a divorce from his first wife.

Q. The six months had not expired? A. No, sir.

Q. What was it Mr. McCray said about the affidavit? A. He says, "Mr. Henrie, you will have to sign these; it is the only way out of it for us."

Q. This, you say, is the affidavit you read? A. Yes, sir; as near as I can remember.

Q. He did not tell him he would have to sign both affidavits? Was it not both to which he referred when he said he would have to sign them? A. Yes, sir.

Q. Was there anything talked over about his being able to get Mr. Codding to sign the affidavit? A. No, sir; not that I remember.

Q. What was said about the other affidavit? A. Nothing.

Q. Did you see what purported to be a second affidavit? A. No, sir; only Mr. Henrie said there were two.

Q. When did he tell you there were two affidavits? A. He said it the next morning, to Mr. Cougher; he did not tell me.

Q. Was there a good deal of talking back and forth, after the red book was published, by the parties in the office? A. Yes, sir.

Q. Did he say anything about the Vidette expose when you were there?
A. I heard it talked of.

Q. You heard him say, did you not, that he was in the city of Topeka on the 18th day of October, 1888? A. No, sir.

Q. You heard him say he wrote the expose that was published? A. No, sir; I did not charge my mind with it, I simply heard it talked of.

Q. Did you ever hear him tell anybody where he was on the 18th day of October, 1888? A. I do not remember anything about dates.

Q. Did he say which of the boys helped him drink up the whisky in Winfield? A. No, sir.

Q. Did he say anything about visiting the Vincent brothers in Winfield?
A. No, sir.

Q. Was Mr. Cougher your first husband? A. No, sir.

Q. How many times had you been married before you married him? A. Once.

Q. Who was present when you had the conversation with your husband and he told you what was to be done with this box? A. Mrs. and Mr. Hoag, from Newton, were at our house.

Q. Were they there when the conversation took place? A. Yes, sir; they were right at the table.

Q. Who was there when Henrie stated to your husband the name of the hotel he had stopped at at Coffeyville? A. No one but just us three.

Q. Mr. Henrie, yourself and husband? A. Yes, sir.

Q. Who was there when Mr. McCray brought in the affidavits? A. I was there all alone when he first came down, and Mr. Henrie came in as third party.

Q. Anyone else? A. No one; no, sir.

Q. Who was present when your husband told Mr. Henrie he did not believe he was going to get a job, and Mr. Henrie said they would have to give him a job? A. Just us three.

Q. Mr. Henrie, yourself and husband? A. Yes, sir.

Q. Was anybody else present during any other conversation between your husband and yourself and Mr. Henrie, except those two from Newton? A. At one time Mr. Whitley was.

Q. When was that? A. It was in the office one day after this book came out, and the subject was up.

Q. Well, what was said about it then? A. About what?

Q. About the book, or about Mr. Henrie? A. They were discussing the subject.

Q. Do you remember what was said? A. Nothing in particular.

Q. Who was by when Mr. Henrie said he would swear to anything? A. No one except Mr. Henrie, Mr. Cougher, and myself.

By Mr. HENDERSON: Q. I will ask you to state to the committee if you ever heard any conversation between Mr. Henrie and your husband, or whether there was any conversation between yourself and husband about dynamite and its explosive powers, other than you have already stated? A. No, sir.

Q. You may now state to the committee how many children you have. A. Four.

Q. What are their ages? A. One of them is 19, one will be 17 in May, one 12, and the other 10 in July.

Q. Where are they now? A. They are all here except one.

Q. Which ones, designating them by age, are now here? A. The ones that are 19, 12, and 10.

Q. Are any of them here in the room? A. Yes, sir; two of them. (Having her children stand up.)

Q. Where is the other? A. In Colorado.

Q. What is he doing? A. Learning the jeweler's trade.

Q. You state to the committee that the person pointed out to you as Governor Humphrey was not the person who called at the office of Commissioner of Labor; now you may state what description was given of Governor Humphrey to you by Henrie, at the time you were informed that the person pointed out was Governor Humphrey. A. He did not give any description; I asked Mr. Henrie, when the gentleman went out, who he was, and he said he was Governor Humphrey.

Q. Describe that gentleman to the committee. A. He was a large man, and had a mustache, and not as old a man as Governor Humphrey; that is about all that I noticed.

Q. Are you acquainted with William Higgins, Secretary of State? A. No, sir.

The witness was here excused.

The above is all of Mrs. Cougher's evidence, except a few days later (278), when Mr. Kimball recalled her, and attempted to show that she had "padded" her bill for expenses in attendance before the committee. In this he signally failed, and his abusive language toward her in his report proves what was suspected at the time—that she was recalled for the purpose of trying to discredit her testimony, by finding something crooked in her actions. A case must be lame indeed that is compelled to stoop to such methods in an effort to carry a point.—ED.]

But to resume:

"The affidavit purporting to have been made by one J. W. French (178), written and secured by Mr. C. Vincent, is not evidence at all. It was admitted

at a time when two of the Senate members of the committee were not present, and even the Alliance chairman of the committee felt called upon to enter his protest against it. (367.) This affidavit states that Mr. Henrie was absent, and did not return home until about 10 or 11 o'clock p.m., of the day after the announcement of the explosion in the daily papers. As the explosion happened about half-past 4 o'clock p.m. of the 18th, it is plain that the meaning of the language used in the affidavit is, that he did not return home before late in the evening of the 19th. This is expressly contradicted by Judge Reed's records, which show that Mr. Henrie registered in Topeka as a voter, on the 19th. (482.) Mr. J. W. French, if he made this affidavit at all, is further contradicted by his daughter—so said to be in his affidavit—who swears that Mr. Henrie was in Topeka on the 18th, 19th, and until the 23d of October (495), by all of the witnesses who testified as to Mr. Henrie's whereabouts at that time. Other matters are stated in this affidavit, seemingly for the purpose of downing Mr. Henrie, but they are contradicted by other witnesses. The most that could be claimed for French's affidavit would be, to allow it to offset the affidavit of his daughter, and even this would be allowing too much, as Mrs. Barlow is corroborated by half a dozen witnesses, while the French affidavit stands alone."

[The first sentence above shows that Mr. Kimball seeks to throw a suspicion over the genuineness of this affidavit. He also says that Chairman Carey protested against its admission, and refers to page 367 of the record in proof. Page 367 contains a portion of Mr. Clifford's evidence, and the affidavit in question is not mentioned there at all. The affidavit appears on page 178, at top of which occurs the following record—

"Mr. Carey (chairman) said he would be in favor of allowing the affidavit to be received in evidence."

Three affidavits of absent persons were presented—Edwin French (178), Lucy H. Barlow (495), and John F. Cummings (448)—the last two by the Republicans, the former by the People. That of Cummings is a confessed falsehood. (See Smith's evidence (240); also this volume, p. 113.) That of Mrs. Barlow was secured under very suspicious circumstances. (See this volume, p. 115; also Judge Webb's letter, p. 171.) That of Mr. French has never been called in question, except by the implied insinuation of the Senator. The apparent conflict between it and Judge Reed's evidence is easily accounted for, by the fact that just before election, during the last days of registration, the clerk's office is open till late at night, to accommodate those who cannot appear in business hours. Nothing shows at what hour Henrie registered, and it is not at all inconsistent with surrounding circumstances to suppose, that on his return from Coffeyville he registered and took a lunch before going to his home, west of Kansas avenue, where the French affidavit says he arrived about 10 or 11 o'clock. The Senator also says that this affidavit is contradicted by Mrs. Barlow's. On the contrary, this affidavit contradicts that of Mrs. Barlow, her's having been made and published first. Mr. French nat-

urally hesitated about denying the truthfulness of his own daughter's testimony; but after mature deliberation, and several days' consideration, he decided that she was mistaken or imposed upon, (the *results* being the same in either case,) and only in the interest of the public welfare did he make known the facts as stated in the affidavit. There were present with him at the time as witnesses, in Dr. Campbell's office, at Mound City, Kansas, Dr. Campbell, John C. Cannon (notary), Geo. H. Townsley, editor of *Torch of Liberty*, and C. Vincent, of Winfield. The affidavit was written at his dictation, and read to him a second time (he not having his spectacles with him) before he signed it in the presence of the above witnesses.

On page 600 of the record is found testimony that an unsuccessful effort had been made to find Mr. French, that he might appear personally before the committee. *No record* appears that the Republicans made *any* effort to secure the attendance of either Mrs. Barlow or J. F. Cummings.—Ed.]

"We have stated the substance of all the testimony bearing upon the question of Mr. Henrie's whereabouts on the 18th day of October, 1888, and, we ask, where is there any evidence showing, or tending to show, that he was in Coffeyville, or was not in Topeka, on that day? If all the evidence showing that he was in Topeka on that day was stricken out, there would not then be any legal evidence from which any unprejudiced court or tribunal could find that he was in Coffeyville on that day.

"Mr. Henrie was an employé of the Republican State Central Committee during a considerable portion of the campaign of 1888, getting up the expose and performing other services. Proof that he was the man who left the box at Coffeyville is the only possible foundation upon which the Alliance members can base their findings that the Republican party, or other Republicans who have been named, were in any way connected with or accessory to the crime. Failing to prove that, their whole fabric of baseless conclusions, inferences and insinuations falls of its own weight.

"2d. We have already found, generally, that Mr. C. A. Henrie was not in any way implicated in the Coffeyville explosion and had no connection with it, and that his appointment to a clerkship in the Bureau of Labor was not given him as a reward for any connection or supposed connection which he had therewith, or to prevent him from telling what, if anything, he knew about it. In view of the extraordinary circumstances under which this report is prepared, and which will be more fully referred to hereafter, it has been thought best to answer from the testimony this question: Why did the Governor recommend or assent to the employment of Mr. Henrie as a clerk in that bureau?

"Matters have occurred which indicate to us that there are members of this committee who will refuse to see the plain and natural answer to this question, and will seek to account for his appointment upon some theory consistent only with the suspicions and prejudices which they entertain. To us the answer is plain, natural, fully shown by the evidence, and is simply this: He was employed as a clerk there because of his fitness for the place, because he was recommended by Mr. Bion S. Hutchins, who had occupied a prominent position in the organization of the Republican party during the campaign

(529, 530), and others (520), and in recognition of services which he had performed for the Republican party.

"It should be remembered, in the first place, that the position is not one of great importance; it is simply a clerkship in one of the departments of the State, at \$800 per year. Mr. Henrie had been the editor and publisher of a newspaper devoted to the interests of the wage-earners; he had made a special study of the various phases of the work of the bureau in which he sought a position; he had filled a similar position as a State officer for a labor organization (a collector of statistics for the Knights of Labor State Assembly); he had actively favored the establishment of the Bureau of Labor, had been looked upon as an efficient and valuable man in that department, and had been mentioned as such in the various reports of the commissioner. This is shown by Mr. Betton's letter to Greer, published in the *Winfield Courier*, of September 9th, 1889, and by other evidence. The copy of the paper referred to is the same in which certain other correspondence introduced in evidence is found. (57.) At the time Mr. Henrie was appointed, he was a member and officer of the Knights of Labor, both local and State bodies; the Typographical Union, and the American Federation of Labor. (588, 589.) The fact that in the year 1889, without charges, a trial, or a chance to defend himself, he was expelled from the Knights of Labor, for alleged non-payment of dues, and complicity in the Coffeyville affair, should not count against him. It is quite likely that this action was the result of the baseless charges constantly made, and reiterated in the *Nonconformist* and other papers.

"Mr. Henrie was recommended for employment by such men as the late Governor John A. Martin, Hon. P. I. Bonebrake, formerly chairman of the Republican State Central Committee, Major J. K. Hudson, editor of the *Topeka Capital*, Mayor D. C. Metsker, of Topeka, and other prominent Republicans. (520.) The services which he had rendered the Republican party were considered valuable (520, *et seq.*); and, his paper not having proved a financial success, it was not only natural, but proper that he should be given a position in a department, the duties of which he was best fitted to perform.

"An attempt was made to prove that Mr. Henrie was an anarchist, and certain testimony was introduced for that purpose. It was shown that Mr. Henrie participated in a public meeting addressed by the anarchist Parsons, when he was in Topeka, and was otherwise associated with him. (Testimony of J. W. Whitley, 179; and C. S. Whitted, 182.) It seems from this testimony that at that time, in the year 1885 (179, 183), Parsons was at Topeka organizing a branch of the International Working People's Association. Mr. Henrie, being an active man in nearly all the movements in the interest, or supposed to be in the interests, of the laboring classes, assisted in this organization, and was, as a consequence, associated with Parsons. Mr. Whitted testified that at a private meeting held at Mr. Whitley's house, he (Whitted) or some one whom he does not remember, asked Mr. Parsons to tell them how to make dynamite, and that the latter did so, and that it was suggested that he, being a gas-fitter, could make the bombs. (191.) He says that Mr. Henrie was present at that meeting; but Mr. Whitley, another witness called for the same purpose, and who was present at this same gathering, gives the names of those present at the time the conversation was upon the subject of dynamite, and says Mr. Henrie was not there. (181.) And the latter denies being present at any meeting where that subject was talked about. Certain articles in relation to the execution of the Chicago anarchists, published in Mr. Henrie's paper, the *Labor*

Chieftain, were also introduced in evidence for the purpose of showing his sentiments and tendencies. (183.) The articles referred to are mostly special dispatches, giving the full text of Governor Oglesby's decision, and an account of the execution of the condemned anarchists. Attention is called to the cool, temperate tone of these articles, as compared with the articles before quoted from the *Non-Conformist*."

[The Senator should have said "garbled" instead of "quoted." Compare quotation with p. 593 of the record.—ED.]

"Some of the members of this committee are inclined to attach some importance to the language which Leland J. Webb testified that the Governor used in a conversation in which he was asked to prepare some affidavits for Henrie and others in regard to this matter. The credibility of this witness was seriously impaired by his action, shown by other testimony, in attempting to trade his testimony, or rather the withholding of his testimony, for a promise that a certain appointment should be made, and by the feeling of animosity which he evidently entertained at the time he was testifying, and which was but poorly concealed by a pretense of candor and fairness. He admitted that he had unpleasant feelings towards the Governor, as well as towards Mr. Henrie. He wanted another man appointed to the position given to Mr. Henrie. He was mad about this and other matters. (287.) Mr. Henrie had given him, Webb, a "roasting" in his paper, and for that and other reasons he did not like him. (288.) That Mr. Webb was a party to this attempt to trade upon his testimony, is shown by the testimony of Judge Reed (478-482), and of Mr. Evans. (484.) He kept out of the way and made a pretense of sickness (479), and said he would, if necessary, take a train and go away, (484), until he found that the appointment could not be secured in that way, and then he was swift to appear and testify. So anxious, indeed, was he after he found that the Governor would make no trade with him, that he said he 'had rather lose \$500 than to fail to testify in the case.' (Judge Reed's testimony, 491.) He then appeared as a witness and endeavored, no doubt, to carry out his promise to 'make it hot for the Governor.' (484.)

"Testimony as to what was said in a given conversation is always uncertain. Two witnesses will hardly ever tell it alike. The change or omission of a word frequently changes the meaning of a sentence. Omitting or forgetting a part may change the tenor and meaning of the entire conversation. Taking all these matters into consideration, with the evident desire on the part of this witness to carry out, so far as he was able, the high and sounding phrase of his manifesto, as to what he would do if the Governor did not make matters satisfactory to him, and it is plain that his testimony affords no basis for any finding or conclusion against the innocence or good motives of anyone."

[In this effort to explain why Henrie was appointed, Mr. Kimball displays to excellent advantage all his fertility of imagination and ability to "garble" the record. It is stated that he had rendered "important services to the Republican party." (520.) It is also admitted that he published a paper opposed to that party. (183.) These two things are inconsistent upon any other theory than that he was a spy in the ranks of labor and secretly working for the Republicans, and his reward proves this theory.

Following is a copy of the resolutions expelling him from the Knights of Labor:

"*Resolved*, That it is the sense of the Kansas State Assembly of the Order of Knights of Labor, in regular annual session assembled, in the city of Leavenworth, on Tuesday, August 6, 1889, that a former member of this order, by name and residence C. A. Henrie, of Topeka, Kansas, has forfeited every right and title to membership to this order.

"First: By his sentiment and methods for more than a year last past, as charged, without contradiction by members of the order, and as widely and notoriously published in the current literature of the country.

"Second: By the non-resentment and non-contradiction of the oft-repeated and long and widely-published charge that he was criminally connected with a murderous explosion of dynamite at Coffeyville, Kansas, in the month of October, 1888.

"Third: By his utter neglect to meet his financial obligations to the order, or to keep his promises respecting such obligations, since January 1, 1888, a period of over nineteen months. Therefore, be it

"*Resolved*, That the said C. A. Henrie is not rightfully or legally a member of this order, and has not been so considered by Knights who know him best for many months past.

(See also p. 164, this volume, for a review of Henrie's characteristics.)

The "attempt" was not only "made" to prove Henrie an anarchist, but it was successfully attempted by the testimony of Whitley and Whitted, as well as by the fact that it was one of the reasons given for his expulsion from the Knights of Labor. Pages 588 and 589 are referred to to show that Henrie belonged to the Knights of Labor, the Typographical Union, and American Federation of Labor. These pages contain the record of his expulsion from the Knights of Labor, but *no reference occurs there to either of the other organizations named*. The attempt to discredit the evidence of L. J. Webb will fail of the accomplishment of its purpose. His alleged willingness to place himself beyond the reach of a subpoena, provided Governor Humphrey would make a certain appointment, is not commended nor defended in any way; but we may observe that there is a serious doubt that he ever expressed such a determination, *because* the appointment he is alleged to have desired was *not* sought for nor wished for by the alleged intended recipient of the office.

Observe again the "garbling" of Senator Kimball in the use of quotation marks around the words above—"make it hot for the Governor." (484.)

By reference to 484, we find the following record:

Q. Didn't he say he would make it hot for the Governor? A. He may have said something like that.

Q. Well, what is your best recollection about that? A. Well, I think he said he would make it hot for him; not perhaps quite in that language, but that in substance.

Mr. Geo. H. Evans was on the stand for the purpose of breaking the strength of Webb's evidence, by trying to show a feeling of resentment on his part toward the Governor. The attorney (Dawes) put words in the mouth of this willing witness, which, being assented to, are next quoted by Senator Kimball as the words of another party; and yet *he* charges others with "garbling" the evidence in a report not yet made public. (617; also, p. 110, this volume.)

Was this because *he* knew he must "garble" to support his own case, that he was so ready to assume that others would also distort the facts?—ED.]

"3d. The charge is recited in the resolutions, that this alleged crime, the explosion, has not been investigated in the courts, by reason of the refusal of certain officers to perform their sworn duties; and this charge we have found to be untrue.

"It may be proper to state some of the reasons which impel us to this conclusion, and to refer to the evidence bearing upon the question. So far as this charge has been referred to by anyone in this investigation, it seems to have been directed at Mr. Samuel C. Elliott and Mr. O. P. Ergenbright, county attorneys of Montgomery county; the former at the time of the explosion and until in January following, and the latter succeeding him in that office. In ordinary cases, where the prosecution of a criminal fails, the county has the costs and expenses to pay. The Legislature appropriated \$12,000 to pay the expenses of this investigation, which does not include the cost of printing the testimony, etc. The witnesses brought before this committee were only allowed five cents per mile, whereas in criminal cases they are allowed twice that. A trial of the same question in the courts of Montgomery county would cost a large sum of money. The county attorney who would not, under the circumstances, investigate the matter, ascertain what the evidence was, so as to be reasonably sure of a conviction before allowing a prosecution to be brought, would be unworthy to hold the office. It is as much the duty of a county attorney to protect the tax-payers of the county from the costs and expense of improvident or ill-founded prosecutions, as it is to prosecute those cases where the proper evidence of guilt is presented to him. Now what does the evidence bearing upon the question show? It seems that I. D. Highleyman, the so-called detective, and C. [H.] Vincent went to Mr. Elliott, and afterwards to his successor, Mr. Ergenbright, and asked to have George W. Poorman and C. A. Henrie arrested and prosecuted. To shorten this review of the testimony, we shall refer to the county attorney without specifying whether it was Mr. Elliott or Mr. Ergenbright who filled the office at the time. Mr. Highleyman says that the county attorney wanted to know what evidence they had of the guilt of these parties, and he and Mr. Vincent told him (243, 245); but when asked to tell what the evidence was, says that it was the evidence of Wm. Drugan and George W. Poorman. (245.) And when pressed on cross-examination to tell just what was said to the county attorney about the evidence, he says in substance that he told the county attorney that he knew Mr. Poorman and had had some correspondence with a man at his home (Bellaire, Ohio), and that this man had written him that a man named Henrie was getting his mail there through Poorman's wife, and if Poorman and Henrie were arrested, the latter would squeal and tell all he knew about it. (249.) This would indeed be strong proof upon which to institute proceedings, that would in the end cost thousands of dollars; and it appears, too, that Mr. Highleyman was working for himself. He wanted to be employed to go to Ohio and bring Poorman back at the rate of ten cents a mile and expenses going and returning. (See testimony of Elliott, 49.) Mr. Henrie was here in Kansas at that time, his whereabouts being well known; and Mr. Poorman has since come here voluntarily, and has told all he knows about the matter. (328.) The testimony of Mr. Highleyman, the letters he received from Drugan (253), and the testimony of Drugan's associate, McCormack, brought here from Ohio

as a witness at the instance of the Vincents, and who knew absolutely nothing about the matter except some rumors and hearsay statements, show what folly it would be for a county attorney to institute a prosecution based upon statements of these "tin-horn" (282) detectives. The testimony of Mr. Henry Vincent, as to what occurred at these several interviews with the county attorney, is in harmony with that of Mr. Highleyman. (266.) So far as his testimony shows, he referred to no other evidence on which to base a prosecution than that named by Mr. Highleyman. We have purposely referred only to that part of the testimony offered for the purpose of showing that these county attorneys have been derelict in their duty. That testimony is of itself sufficient to vindicate them. There seems to be good grounds for the opinion expressed by Mr. Elliott, that under our statute—unless there was evidence to show that the explosive was delivered with intent to harm some person—no prosecution could be maintained, even if the person who delivered it was known. The testimony of both Mr. Elliott (48) and Mr. Ergenbright (53) should be read in this connection.

"To sum up this whole matter, each of these county attorneys was expected to institute a prosecution that would have cost Montgomery county thousands of dollars, upon the unverified statements of a man in Ohio that he had heard that George W. Poorman's wife had been getting mail for Mr. Henrie, and that he believed that if Poorman was arrested he would squeal. And because they declined to institute a prosecution on such evidence they are to be publicly charged, and investigated by the Legislature for refusing to perform their duties. The wisdom of the Legislature in changing the law exempting a county from liability for costs, except in those cases where the county attorney approves of the prosecution, is apparent."

[The strained effort to justify non-action on the part of the county attorneys may pass for what it is worth, but the public will remember that much more circumstantial evidence existed against the Republican committees than existed against the Cronin conspirators in Chicago at the time of their arrest; but the masterly inactivity of all Republican officials allowed this case to go by default; and more, the Legislature of 1889 passed *two* laws, the effect of which was to impede the prosecution of this case. (See Senate Jour. 1889, pp. 471, 865, "An act to Abolish Grand Juries," introduced eighth day of the session, by Senator Schilling; also, chapter 128, Session Laws 1889, bill introduced by J. B. Zeigler, of Montgomery county.)

It is conceded that the presence of McCormack did not aid the prosecution, but that could not be ascertained in advance. Correspondence with Drugan indicated that some valuable information might be obtained by securing their presence. Drugan was sick, and the prosecution failed to establish what was aimed at by summoning these parties. We may add here, by way of variety, that this is the only exception. On every other point, the prosecution satisfied honest people, committee and visitors of the invulnerability of the positions assumed.—ED.]

"4th. We find that it is not true that Volney A. Beard ever overheard a conversation between E. P. Greer and Sol. Burkhalter in substance like that

stated by him in his testimony (126, 130); or that he ever heard any conversation between them which in any way referred to the shipment or delivery of any package—dangerous or otherwise.

"As to whether Mr. Beard was honestly mistaken—whether he had at some time overheard some fragments of a conversation between those men as to the coming expose, to which a suspicious nature, which usually accompanies a low order of intellect, had added things never said, and a meaning never intended—or whether this witness committed willful perjury, we leave for those who read the testimony to determine for themselves. Mr. Beard is a small man, with but little room for brains in his head, and his manner upon the stand was not such as to impress one with his candor and truthfulness. He kept a stand where lunch, lemonade, etc., were sold in Winfield, and there went by the name of "Peanuts," or "Peanut Jack." (299.) His stand was next door to Hendricks & Wilson's hardware store. He says the conversation occurred about 11 or 12 o'clock at night; that they, Greer and Burkhalter, were sitting outside of his store, the former on a wheelbarrow and the latter on a box, and he was inside waiting on some customers; that there was a wall between them; that he was hard of hearing, and they talked very low (129), and that he could not hear all they said. (127.) In one part of his examination he was fairly asked to state the name of the person he first told about this conversation, and in reply he said he told Geo. Applegate first and a Mr. Wilkinson about a year afterward. (127.) Subsequently he was recalled and asked the same question, and he then swore that Jim Connor, the sheriff, was the first person he told about it (139); and when asked his reasons for this contradiction in his testimony, did not say it was a mistake, or that he had forgotten, but with a cunning leer, which those who saw him will remember, said that he told them they were trying to draw him out, etc. (140.) Who he first told about this alleged conversation is unimportant, but whether this witness deliberately perjured himself to keep from being drawn out is an important consideration. The unprejudiced person who heard this testimony would be impressed with the fact that the witness knew he was not swearing to the truth when he said that George Applegate was the first person he told about it.

"There was an attempt made to support this witness by calling Messrs. Applegate and Wilkinson to testify to the fact that Mr. Beard did tell them of the conversation; but such testimony is worse than hearsay. One does not have to be a lawyer to know that a witness cannot add to the weight of his testimony by telling his story to others, and then having them swear to the fact that he did tell them; and that such testimony would not be received in any court.

"Testimony showing contradictory statements is properly received for the purpose of impeaching or discrediting a witness. The testimony of Mr. Connor should therefore be considered as bearing upon the credibility of Mr. Beard's story. Mr. Connor testified that when Mr. Beard told the story to him he said that he heard Mr. Greer say, 'Didn't we shoot it into them?' to which Mr. Burkhalter replied, 'Yes, we did!' whereupon Mr. Greer said, 'You wait awhile, and you will see a worse bomb than that fired into them.' Mr. Connor was at that time a member of the Union Labor party, and the sheriff of that county. The story was told to him by Mr. Beard, as a basis for official action on his part. He says he did investigate the matter, and became convinced that the language referred to the expose of the Videttes, and had no reference to the explosion at Coffeyville. (391.) The attempt that was

made to corroborate Mr. Beard's testimony was an entire failure. J. W. Carter, one of the witnesses brought before the committee for that purpose, testified that he was a constitutional loafer, and had frequently seen and sat in a wheelbarrow in front of the adjoining hardware store. (577.) J. W. Curfman's testimony was to the same effect. (578.) And E. B. Emory testified that he saw Mr. Greer in at Mr. Beard's place eating a lunch one night about the 9th, 10th or 11th of October. (579.) Proof that there was a wheelbarrow there, and that Mr. Greer once ate a lunch at Mr. Beard's place, is no corroboration of the latter's testimony as to the conversation. Thus it will be seen that Mr. Beard's story not only stands alone and uncorroborated, but with its credibility, to say the least, very seriously impaired by his contradictory statements.

"On the other hand, Mr. Greer (428, 429) and Mr. Burkhalter (295) both positively deny that any such conversation ever took place; and there is nothing in the testimony before this committee which in any way impairs the credit which should be given to their statements. The general findings made by us, exonerating Mr. Greer from any and all complicity in the Coffeyville explosion, as well as the special finding as to this conversation with Mr. Beard, are based upon all the evidence before the committee, as well as upon that to which special reference has been made."

[The testimony of Mr. Beard is quite voluminous, and would occupy about fifteen pages of this volume, hence we omit nearly all of it; though we wish as many as can do so would secure the record and read it all. It fell on the Republicans as unexpectedly and suddenly as thunder from a clear sky. Mr. Beard is of a non-combative nature, and when he first heard the following conversation between Greer and Burkhalter (126), he kept still for some days.

Q. Tell all you heard. A. Well, about 11 o'clock, or a few minutes after, Sol. Burkhalter came there and stopped another man talking with Mr. Greer, and Mr. Burkhalter said: "Ed., I hear you are onto them?" He says, "Yes, you bet I am." He says, "Ed., my God, that is awfully dangerous." He said, "No, sir; not at all." "Well," he says, "how are you going to fix it?" And he said, "I am going to have an officer there when the package is delivered."

Q. What else was said, if you remember? A. Well, I cannot say all that Mr. Greer said; it was very low and I did not hear it all. Burkhalter said in regard to the dangerous part of it, that there were a lot of women and girls there, and he would hate to see them hurt.

Q. A lot of women where, did he say? A. I do not know. Some office, I think.

When he first heard this, he did not pay very much attention to it, but when a few days later the explosion occurred at Coffeyville, he naturally connected the two together. He told Sheriff Connor, who, for some unexplained reason, told him to keep still about it. He did so, until overhearing a caustic remark by J. A. Cooper (chairman Republican county committee), addressed to Geo. Applegate, calling the *Nonconformist* a "d—d dynamite sheet," he waited till Cooper had gone, and then related to Applegate the circumstances

of the above conversation. This was in the winter of 1888-9. During the next summer, under similar circumstances, he told the story to W. F. Wilkinson, in each case requesting them not to say anything about it. (In order to understand fully the reason of this request, it is necessary to feel and see something of the power once possessed by Ed. Greer to persecute the object of his displeasure, even to the destroying of his commercial standing and driving him from business.) Mr. Beard did not want any trouble, and so requested his personal friends not to publish the matter. His telling them has this important bearing on this case, however, that it effectually disposes of the insinuation of perjury cast upon him by the Senator. The attorneys badgered him mercilessly, but could not break his testimony in any respect, but, in the opinion of the majority, this cross-examination only made his evidence stronger. (632; also this volume, p. 147.)

The charge is far-fetched that Carter was a "constitutional loafer," the only basis being his testimony that he was janitor for several different societies that held their sessions in an adjacent hall, and that during these sessions he sometimes waited below about Beard's lunch counter and adjoining hardware store. (578.) Nothing in the evidence warrants any such insinuation as that about Curfman. He was employed by Beard as a clerk or assistant in his place of business. The evidence of Dr. Emory corroborates entirely that portion of Beard's testimony which relates to the presence of Greer at his restaurant on the night in question, and concerning which Greer sought to establish an *alibi*.

It is true Greer denied being there, or that any such conversation was held, and tried to prove his presence elsewhere, and failed. Mr. Burkhalter was quickly so badly tangled in a maze of contradictions that he was the butt of jokes and ridicule during the remainder of the session. If Mr. Kimball can extract comfort from such evidence (?) he is welcome to it.—ED.]

"The testimony of Thomas Clover, Ben. Clover, Dr. Musgrove, L. G. Frybarger, and W. H. Finney, is relied upon by some of the members of this committee as tending to prove that an explosion was planned in connection with the expose of the Videttes, and that Mr. Greer was a party thereto. This testimony was merely hearsay. The witnesses themselves admit that it was based on what they heard Dr. Rude say, and the latter testified that he knew nothing about the matter, was not in Kansas when the explosion occurred, and knew nothing about it except what he read in the papers. (415, *et seq.*)"

[Mr. Rude testified as indicated above, but inasmuch as this testimony directly contradicts his conversation with neighbors and friends when he had no motive to impel him to falsify, it is of but little value to the defense, and most persons would prefer to accept the voluntary conversations when the motive for deception was wanting.—ED.]

"5th. Who is responsible for the Coffeyville explosion? Was it the result

of design or accident? Was the box, package, or substance which exploded in fact delivered to Mr. H. M. Upham to be shipped to Winfield?

"It is not incumbent upon those who have been publicly charged with connection with this affair to prove who is guilty; it is enough that they are shown to be innocent of any connection therewith. Ordinarily, a man is presumed to be innocent until his guilt is proven; but in cases where offenses are charged to have been committed in connection with political matters, many people are inclined to reverse the rule and require the accused to prove his innocence. The evidence showing those who have been publicly charged with this outrage to be innocent, the question remains, and is of some public interest: Who is the person responsible for the Coffeyville explosion?

"Mr. H. M. Upham is the man who knows as much, perhaps more, about this matter than anyone else. If his story is true, if he has told the whole truth, P. Jason and L. or J. Loudon are yet to be discovered. If he has misled us in this matter, there are circumstances which indicate where the guilty person is to be found.

"It may be true, that on the day of the explosion when he went home to dinner, Mr. Upham carried with him a box, and placed it in the photographic dark room; it may be true that it was this box, or the contents thereof, which exploded; but is it true that this box was delivered to him, as he says, by a man calling himself P. Jason, to be shipped to J. Loudon, at Winfield? The testimony of Mrs. Upham would seem to corroborate him as to a box being brought home and placed in the dark room. (13.) The testimony of Dr. Wood, as to the wood fiber, bran, etc., found in the wounds received by Mrs. Upham and Mabel, would seem to indicate that the explosive was in a box; but beyond that, his testimony stands alone. The evidence relied upon to corroborate him contradicts him, and his testimony, as well as his conduct, is so full of contradictions and inconsistencies, as to cause us to question the truthfulness of at least a part of the testimony given by him.

"Mr. Upham at first testified that, as he remembered, this box was the only package received by him for shipment on that day. (40.) At the time he gave his testimony there had been nothing said publicly about sending for the books containing the entries showing the business of the office at Coffeyville for that day, and which had long before been sent in to the offices of the express company. These books were afterwards procured by the committee. Instead of there being but one package delivered to him on that day, as he testified, the books show eighteen entries of packages delivered for shipment on that day (561), all but four in Mr. Upham's handwriting. (562.) He testified that this package was entered upon the express book at the time it was delivered to him, about eleven o'clock in the forenoon. (24, 560.) That being so, the entry would naturally appear somewhere near the middle of the entries showing the day's business. Instead of that, it is the last entry made in the book on that day. (561, 562.) He testified that he was directed to ship the box to J. Loudon (24, 27), and gave that as the name in a written statement made at that time. (599.) The express books, when produced, showed that the name was L. Loudon. (561.)

"When he was first examined a number of questions were asked him about a way-bill which would, in the usual course of business, be made out to accompany the box, and he testified freely and without hesitation concerning it. He said that he made out a way-bill for the package before he went to dinner, and left it on his desk; that he took the way-bill with him when he went home

that afternoon (40), and presumed it was sent off with a dummy or decoy package that was sent to Winfield in place of one which exploded. (24, 40, 156.) Several weeks afterwards, the committee was requested to send for the express agent who was at Winfield at the time, to prove that no way-bill came to Winfield with this decoy package. Mr. Upham then stated to the committee, informally, that there was no need to do that; he would admit that no way-bill was sent with the package, and would explain the matter. Being again called to the stand, he testified that after the explosion, but sometime during the same evening, he wrote a note to Mr. Sturr, a clerk in the store where the express office was kept, gave the keys and note to his brother, who went down to the express office, found the entry on the book, and the way-bill, and returned 'with the original way-bill,' and handed it to him with a decoy package; that he laid the package on the table and the way-bill on the mantel shelf, left instructions to have both taken to the train, and in the morning found that the package had gone, but the way-bill was still there; that he did not know what became of it—the house was in confusion, and many things got lost. (598.) This was a direct contradiction of the testimony given by him in regard to the way-bill in the first place. (40.)

"Again, when he was first examined, he was asked why he did not take the way-bill to his house at noon, when he took the package. This he explained by saying that he was to return to the express office after dinner, to attend to the business of the afternoon; that it was his custom to leave the way-bills at the office until he made up the run at night before he went home for good, and then to tie them together, ready to take to the train. (40.)

"In this connection it should be remembered that the reason why Mr. Upham was in the habit of taking the express matter which was to go on the night train to his house, was to save the trouble of returning to the express office after he had left it for the day, it being much nearer to go from his house to the station than to go via the express office. (23, 24, 25, 30; Exhibit 2.)

"He testified that he did return to the express office in the afternoon of the day in question, and after transacting such business as there was to do, returned to his home toward the close of the day. (25.) If this part of his testimony is true, the way-bill must have been at his house, ready to be taken to the night train with the box. But this is in direct conflict with his later testimony, where he says that his brother found the original way-bill at the office, and gave it to him with the decoy package. (598.) And his last statement is again contradicted by his brother and Mr. Sturr, who both swear, in affidavits, admitted in evidence by consent of all parties, that it was a copy of the way-bill, made out by Mr. Sturr from the forwarding-book, as requested by Mr. Upham in his note, and not the original, that was taken over to Mr. Upham's house with the decoy package. (592, 593.)

"Mr. Upham testified that he was developing the picture of Mabel (his adopted daughter), which he had taken during the noon hour of that day. (25.) Mabel testified that she had no recollection of ever having sat to him for her picture; that it was some out-of-door picture that he was developing. (22.) Mr. Upham was then but a beginner in photography; if he had taken Mabel's picture that day, it would seem as if she would have remembered it. Mr. Upham testified that he had no flash-powder, or other explosive in his laboratory. (25, 41, 596.) Mr. Glasse, a photographer living at Coffeyville, testified that Mr. Upham had plenty of flash-powder, and offered to lend him some."

[But this offer was proved later to have been at another time. (596.)—ED.]

"The truth is always consistent. Where a witness makes statements about the same thing, which contradict, or are inconsistent with each other, it follows that at least one of the statements must be untrue, and it suggests the possibility that all of them may be. From the nature of this case, the position which Mr. Upham occupies as a suspected person, his anxiety to shield himself, and the manner in which this testimony was given before the committee, and it does not seem possible that all of these contradictions and inconsistencies could be the result of mistaken recollection. It would hardly be possible for a person to remember the same thing so many different ways. These considerations seriously affect the credibility of Mr. Upham's testimony, and of themselves would be a sufficient reason for rejecting any or all of it.

"Again, some stories are so unreasonable, so inconsistent with known and established facts, that we have but to try them by the criterion of common knowledge and experience and they fall to pieces. Let us apply this test to Mr. Upham's story, considered in connection with the other facts in the case, and see if it can be sustained. Let us follow out the theory based thereon to its natural and logical conclusion, and see if we can reasonably account for this explosion in that way.

"The effect of this explosion as shown by the evidence—the testimony of Dr. Wood as to the foreign substances taken from the wounds, the testimony of Mrs. Upham as to the sissing noise preceding the explosion for a moment—would seem to indicate that there was a box containing a powerful explosive, arranged to be set off by a fuse to be ignited by some friction attachment or otherwise—a regular infernal machine, in fact. So far as the testimony in this case goes, no one has ever heard of any person by the name of P. Jason, or J. Loudon, either in the vicinity of Coffeyville, Winfield, or elsewhere. It is fair, therefore, to say that the names are fictitious and that the parties assuming them were desirous of concealing their identity. This seems to have been taken for granted by all parties during this investigation. From these facts it naturally follows that the purpose of the parties in shipping the box was unlawful or criminal, and that they desired to so manage the affair as to escape detection and punishment. It is a matter of common knowledge that men who register at hotels are noticed and looked after by the landlord; that men who do business with express companies are likely to be noticed, and if receiving a package, must be identified and sign a receipt for it. Instead of keeping away from hotels and express offices, instead of going quietly to the place where the crime was to be committed, with their explosive concealed in a bag or a bundle, setting it off and going away, as any person who did not desire to be detected would have done, it would seem, upon the theory based upon Mr. Upham's story, that they deliberately laid a trap for themselves and tried to walk into it. The explosive, or bomb, is so improperly or unskillfully contrived as to be as likely to destroy them as the person intended to be injured. This is shown by the fact that it did explode without any known cause, at a place where, on this theory, it was not intended to have any explosion take place. The fuse is timed so short that the criminals could only get a few steps away. This is shown by Mrs. Upham's testimony, that the sissing noise was heard but for a moment before the explosion. On this theory, they plan it for one of the criminals to go to the express office in Coffeyville, deliver the explosive there, give a name and shipping direc-

tions to the agent; and for the other to go to the express office in Winfield, be identified as the consignee, sign the book and get the package. Suppose the explosion had occurred at Winfield: inquiry would at once be made if any strangers had been seen about. The express agent would remember the stranger, Loudon, a name never before heard there, who received the package. The place of shipment would be known; the criminals are not mythical personages, but are actually in existence; and with a full description of both, and other matters to aid in the identification, their capture would be certain. This is the theory, based upon the truth of Mr. Upham's testimony, followed out to its logical conclusions. If we accept one we must accept both. That two criminals about to commit a crime with an infernal machine, anxious, of course, to conceal their identity, provide themselves with a machine as likely to destroy them as anyone, and deliberately adopt a plan most likely of all others to result in their destruction and punishment, is a conclusion which, to say the least, does not seem reasonable.

"There is no direct testimony showing that Mr. Upham, either purposely or accidentally, caused the explosion; but there is a long chain of circumstances which point to him as the person responsible for it. The contradictory, inconsistent and unreasonable statements made by him in regard to the matter, is a circumstance which of itself creates a strong presumption against him.

"Referring again, briefly, to some of these matters, as they appear from his testimony, the books kept, and affidavits secured by him. It appears that he only received one package that day; that he received eighteen packages that day; that the package in question was received and entered upon the book about eleven o'clock that day, and should appear in about the middle of the record of that day's business; that it was not entered until the close of business, and is the last entry upon the book for that day; that the original way-bill for this package was sent away with the decoy package; that it was not sent away, but was left by mistake; that the original way-bill was at his house at the time of the explosion; that it was not there at that time; that after the explosion he sent for and got the original way-bill; that it was not the original way-bill he sent for and got, but a copy, made from the forwarding-book. And, as appears by his own and other testimony, that it was not Mabel's picture that he was developing, and that it was her picture; that he did not have any flash-powder in his laboratory, and that he did have plenty of it.

"The fact that the entry on the forwarding-book appears at the close of the day's business, as the last entry, instead of where it should appear if Mr. Upham's testimony is true, is especially significant, and would seem to indicate that the entry was an afterthought, put there for a purpose, in anticipation of events about to occur. Mr. Sturr swears that it was only a few minutes after the explosion when he received the note from Mr. Upham, asking him to make a copy of the entry on the forwarding-book (591); and Mr. Upham's brother also swears to this. (592.) Why was he sending witnesses to the express office to look at and copy the entry on the book so soon after the explosion? Why were all the other scraps of writing—the description of the man and box written at the time (599), the letters and telegrams (597)—preserved, and the original way-bill, which he had, as he says, the next morning after the explosion, lost? He seems to have made no real effort to have the criminal apprehended, other than to give what purported to be a description of him to Deputy Sheriff Clifford. He never spoke to the county at-

torney, and seemingly manifested the greatest indifference in regard to the matter. (36.) Before his wife and daughter were out of danger, while they were still confined to their beds, he left them and a pleasant home, owned by his wife, at Coffeyville, resigned his situation there, and went away to the State of Maine; secured a situation there, removed his family there; in eight or nine months thereafter, he resigned his situation there and returned to Coffeyville, and again took up his residence there. His reasons for these frequent and expensive moves are far from satisfactory. (33, 35.) The novice in crime usually thinks that the eyes of the world are upon him, and that he, of all others, is suspected as the guilty person. In this case the thought suggests itself that Mr. Upham may have desired to put a long distance between himself and the scene of the explosion. After a few months, finding that the course of suspicion was not directed towards him at all, but in an entirely different direction, he may have felt safe to return.

"The laboratory or dark room was built but a few days before the explosion. (592.) Mrs. Upham and Mabel, upon his special invitation, go there for the first time (14, 21), almost to their death. How the fuse was prepared, or how it was set off, the evidence does not show. Whether by some friction devised to be operated by pulling a string, or moving the package, the evidence does not show. That it was a short, a very short, time fuse, the evidence does show. (14.) And that it burned its way to the deadly explosive and ignited it during the short space of time which elapsed while he had gone some twenty or thirty feet after a pail of water, is also shown. Was this building of the dark room or laboratory, only three or four days before, this using of it as a store-room for this package, this first invitation of his wife and daughter to enter the room, this necessity for the pail of water, and this setting-off of the fuse so that the explosion would take place just when he was at the pump, all a coincidence? It is possible, but to us it does not seem probable.

"The concurrent resolution authorizing the committee to continue this investigation after the adjournment of the Legislature, provided that the committee should, in its report to the Governor, make such recommendations as it deemed advisable. The only recommendation which we have to make is, that in the future the investigation of alleged crimes, in no way connected with the administration of any public office or trust, shall be left to the machinery of the State created for that purpose.

"Respectfully submitted.

C. H. KIMBALL,

J. G. MOHLER,

Members of the committee on the part of the Senate.

C. N. BISHOFF,

Member of the committee on the part of the House.

[It is not our purpose to distort in any way the evidence before the committee, nor to offer any explanation for seeming contradictions, and will in this case only suggest that the terrible shock to Mr. Upham's system at the time of the explosion mangling his family—this may have been a reason for the discrepancies that appear between his evidence (40) and the books of the company, and for any seeming indistinctness of his memory. It will not be out of place to cite the evidence which contradicts the vile insinuation contained in the last paragraph but one. (569.)

Dr. J. A. Wood on the stand:

Q. From your personal knowledge, what has been the relation existing between Mr. Upham and his wife during the period of time that you have been acquainted with them? A. So far as I know, it has been very pleasant; seemed to live very happily together.

Mr. Clifford testified most positively to the same thing (381); so that the horrible insinuation is groundless, and only put forward as a feint—an effort to hide the tracks to the Republican camp, by magnifying or manufacturing entire a suspicion to throw upon some one else.—ED.]

REPORT OF REPRESENTATIVES EZRA CAREY, M. SENN, G. W. CRUMLEY, AND T. M. TEMPLETON, THE ALLIANCE MEMBERS OF THE COMMITTEE.

"We, the undersigned, the members of the joint committee, beg leave to present our views as to the circumstances surrounding the explosion of dynamite at Coffeyville, and the parties connected therewith, as ascertained from the testimony hereto appended.

"As to the theories indicated in the preliminary report, we do not find any evidence in support of the theory that the explosion was caused by carelessness in handling, or the improper use of chemicals used in photography.

"The testimony of Mr. Upham is, that he had no chemicals in his possession that were explosive. (Page 23.)

"Mr. Glass testified that he saw such chemicals in the (Upham's) dark closet about ten days before the explosion (page 352), but was evidently mistaken. (See affidavit of David Parks, page 592.) Upham testified that he had the chemicals mentioned by Glass a year later. (Page 596.)

"In regard to the second theory, that of malicious intent on the part of Upham to kill his wife and adopted daughter, we find the only testimony in support of this is that the servant girl of Mr. Upham told a colored man, who told Mr. Connor, that the family relations of Mr. and Mrs. Upham were not pleasant. Against this far-fetched and hearsay testimony we have the direct testimony of N. M. Clifford. (Page 381.) So that the committee rejected as unnecessary the offer of Mr. Upham to subpoena twelve more witnesses to prove that the most pleasant relations existed between them. The fact that the entry of the box delivered by P. Jason, and addressed to J. Loudon at Winfield, is at the bottom of the page in the forwarding-book, and the way-bill lost, can easily be accounted for by the confusion and excitement which followed the explosion, and on account of different persons attending to the duties of the office on that day. (Page 591.)

"The third theory, that it was revenge on the part of the Union Labor party on account of the Vidette expose, no evidence being offered in support of this, except from assertions in newspaper articles, we dismiss it as unsupported and untenable.

"The fourth theory is, that it was a scheme of Ed. P. Greer, Bion S. Hutchins, C. A. Henrie, and probably others, to add force and emphasis to the second Vidette expose, thereby injuring the Union Labor party, and throwing suspicion on the Vincent brothers as being anarchists and dynamiters. In support of this theory we find a large amount of testimony. About the 4th of October, 1888, the Winfield *Courier* published the so-called Vidette expose of

what he called the secret political, revolutionary, treasonable, and anarchistic organization, trying, in the most exaggerated language, to convince the people that this organization controlled the Union Labor party, which was then in the field with a ticket. (Page 119.) This expose fell flat, exciting more ridicule than serious consideration.

"Soon after the first expose a consultation was held between Ed. P. Greer, Hutchins, and Booth, in regard to a second expose. (See telegram of Booth to Greer, page 94; Poorman's letter to Greer, 123; telegram on page 96.)

"Remembering, however, how unwilling the people were to believe that the farmers of Kansas, who largely constituted the Union Labor party, were controlled by a set of revolutionary anarchists, they determined to give emphasis to the expose by having, at the proper time and place, an actual explosion. Undoubtedly the intention was to take all possible precaution against anyone being directly hurt by the explosion. In proof of the correctness of this theory, we refer to the testimony of Volney Beard (page 126) in regard to a conversation he overheard between Ed. Greer and Sol. Burkhalter. Also the testimony of Congressman Clover, his son Ben. Clover, Dr. Musgrove, L. G. Frybarger, W. H. Finney (pages 141 to 158), and Dr. Rude's testimony (page 414). The testimony of these witnesses points unmistakably to a plot including explosives. The effort to impeach the truth of these statements by the testimony of Sol. Burkhalter (page 295), and Hendricks and Wilson (page 303), has only added strength to it. The testimony of J. W. Carter (page 577), H. U. Curfman (578), and E. B. Emory (579), establishing the truth of Beard's testimony.

"Lee Jones's testimony (page 534), given unwillingly and under protest, also indicates that explosives were contemplated in connection with the Vidette expose."

[Inasmuch as this is matter not heretofore widely published, we append that portion of Mr. Lee Jones's evidence that bears upon the case at issue. (Mr. Kimball forgot (?) it in his report.)

LEE JONES, being duly sworn, testified as follows:

Examined by Mr. HENDERSON: Q. You may state your name to the committee. A. Lee Jones.

Q. Are you acquainted with one W. A. Gebhardt? A. I know him—yes, sir. Not intimately acquainted with him. . . .

Q. Did you have any conversation with him upon that occasion with reference to the so-called Coffeyville dynamite explosion? A. Yes, sir; I believe I did. [Gebhardt was Asst. Sec. with Hutchins for Rep. Com. in 1888.—ED.]

Q. Did you have any conversation with him with reference to the action of the Republican State Central Committee of 1888? A. Yes, sir; some talk with him.

Q. Did he, in that conversation, state to you what connection, if any, he had with that committee? A. He said, but I have forgotten what it was.

Q. Do you remember the conversation, or the substance thereof, that you had with him upon the occasion which I have mentioned? A. I remember some of it.

Q. Will you kindly state to the committee what that conversation was?

Mr. CURTIS said: We object to that question. Mr. Gebhardt lives in the State of Kansas, and can be produced as a witness.

Mr. Carey stated that the witness had been subpoenaed, and was sick and could not come. The question was allowed to be answered.

A. I would like to say to the committee that this conversation was given to me confidentially, and any statement that I make I do so under protest. The conversation, as near as I can remember it—I met Mr. Gebhardt, and asked him what he was here for, and he said he came down to attend the convention. We talked quite awhile. I being a Democrat and he a Republican, we talked quite awhile. I asked him what they were going to do with the Farmers' Alliance, and he laughed and said, "We will get away with them the same as the Union Labor party." And I asked him to tell me how that was done. After swearing me to secrecy on all the oaths he knew, he told me that Mr. Henrie, Mr. Hutchins and himself—that is the only three I can remember—arranged this expose in room No. 7, at the Windsor Hotel; and that is about the sum and substance of the whole business.

Q. Was there anything said about the explosion in that connection? A. Why, I believe it was talked over; yes, sir.

Q. What did he say about that? A. I cannot remember. I asked him if they did not prepare the box up there. He laughed the matter off. It was just a running conversation of that kind.

By Senator KIMBALL: Q. You have stated the sum and substance of all of it? A. Yes, sir.

By Mr. HENDERSON: Q. Is it not a fact that in that conversation he told you, Mr. Jones, that the box that exploded at Coffeyville was prepared at Republican headquarters, or words to that effect? A. I do not remember that he did.

Q. Do you remember what he said upon that question? A. I have just stated that it was a running conversation; that was all there was to it. And I cannot remember the details.

Q. You do know that the preparation of the box was mentioned in that conversation? A. Yes, sir; I think it was. . . .

By Senator KIMBALL: Q. But you say, Mr. Jones, that when you did charge that this dynamite bomb was prepared at Republican headquarters here in Topeka, that Mr. Gebhardt denied that? A. No, I did not say that. I cannot remember that he denied it, or affirmed it. I have been trying to think of the reply that he made me. It was some kind of a witty reply.

Q. You say he did not admit it? A. Not to the best of my knowledge.

By Judge WEBB: Q. You said you asked him what they were going to do with the Farmers' Alliance? A. Yes, sir.

Q. What was his reply? A. Get rid of them the same as they did the Union Labor party; that is as near as I can now remember it.

Q. Did you ask him how they got rid of that party? A. Yes, sir.

Q. How did he tell you they got rid of it? A. As I say, he went on and told me, after swearing me to secrecy about the expose, that he, and Hutchins, and Henrie, and I do not know but that he mentioned others, prepared it. Mr. Henrie was the only man I knew, and he said it was prepared in room 6 or 7—I cannot locate the number—at the Windsor hotel.

Q. How did it happen that there was any allusion made at all to the Coffeyville explosion? A. Well, I cannot tell you how that did come up.

Q. Do you remember any question that you propounded to him connected with that? A. After he had told me what he had, I just laughingly asked him if they had prepared a bomb up there too.

Q. Any answer to that? Did he make any reply? A. Yes, sir; he made some reply—some witty reply. I cannot say that he said they did make it, or did not make it. . . .

Q. You say that what was said to you was said under injunctions of secrecy? A. Yes, sir. . . .

Q. Did you gather or infer from the conversation that you had with him that he knew where this bomb was prepared? A. Yes, sir; I believe he does know, if you want my opinion.

This is the substance of several pages of record evidence, and those present were convinced that Mr. Jones was not only honest, but careful. The additional fact that he was an unwilling witness, refusing to come until threatened with an attachment; he told only what he must tell under penalty of perjury—this materially adds to the importance of his testimony.—ED.]

“As to C. A. Henrie’s connection with the preparation and delivery of the box at Coffeyville, we refer to Upham’s description of the man who delivered the box to him (page 27); I. M. Waldrop’s description of the men seen at Valeda on the evening of the 18th of October (pages 571, 577); also the testimony of Mrs. J. G. Cougher, that in a conversation between her husband and Henrie she heard Henrie give the name of the hotel where he stopped at when in Coffeyville (page 212); also the other fact, that the hotel register shows that two strangers registered in Coffeyville on the 18th of October, 1888. (Page 369.)

“Now suppose him to wear a false beard (see evidence in regard to that on page 379) and extra suit of clothing to give him a heavier appearance, and the description given suits that of Henrie very well. The peculiarity of very rapidly winking his eyes was strikingly observed of C. A. Henrie when on the witness-stand, especially when becoming nervous under cross-examination. Also the fact of part of his hair coming down over one side of his forehead. Such peculiarities are of far greater importance for the purpose of identification than slight discrepancies in weight, whiskers, and age. The description of his eyes, while not strictly correct, only corroborates the testimony that he

is the man. His eyes actually appear dark, when viewed from a certain distance, he standing in the shade, although they are blue.

"Mr. Waldrop was able to point out Henrie in the Senate chamber as the man whom he believed he saw on the evening of October the 18th, at Valeda, after over two years had elapsed. On the witness-stand, Mr. Waldrop stated that he would not positively swear that C. A. Henrie was the man, but to the best of his belief he was. (Page 571.) The manner and appearance of Mr. Waldrop under examination stamping him as an honest and conscientious man.

"A careful reading of the testimony of Samuel C. Elliott, county attorney of Montgomery county in 1888 (pages 48, 53), and also that of O. P. Ergenbright, his successor in 1889, almost forces the conclusion that they were more desirous to prevent the finding of the guilty party than to prosecute. While pretending, through published letters, a willingness to prosecute, no one can read the testimony of O. P. Ergenbright and correspondence (pages 63-67) without becoming convinced of his desire to shield and to prevent arrest and trial.

"In addition to this, read Highleyman's testimony about his efforts to prosecute, and the manner in which the officers responded (pages 242-254); and H. Vincent's testimony on pages 266, 275.

"The Legislature in 1889 passed a law which made a prosecution more difficult. (Page 275.)

"Mr. Upham left a good home and a good position a few weeks after the explosion, while his wife and daughter were still in bed, dangerously wounded. He received \$750 from the express company for the injuries received by his family from the explosion. (Page 597.) There seemed to be a studied effort in the testimony of Upham and family to hold back something.

"All this leaves an impression on our minds that there was an influence brought to bear on him, which in the first place would prevent him from testifying, when the Vincents made their effort to prosecute the guilty parties; and in this investigation may have induced him to withhold certain matters.

"The defense claimed an *alibi* for C. A. Henrie. In proof of which, see affidavit of Mrs. Lucy Barlow (page 495), also affidavit of John F. Cummings (page 448), testimony of D. O. McCray (page 446), testimony of Arthur Capper (page 463), and testimony of Frank C. Scott (pages 460 and 461).

"The affidavits above referred to were secured by Henrie to be used by him in making a public denial of the charges connecting him with the explosion at Coffeyville. The affidavit of Mrs. Barlow was secured in August, 1889, and that of Mr. Cummings in June, 1889. Mrs. Barlow lived in Kansas City at the time. Henrie and his wife made a number of trips to Kansas City before he secured the desired affidavit.

"Mr. Cummings, who is generally considered irresponsible, lives in Topeka.

"Now we consider the course taken by Mr. Henrie to prove an *alibi* in 1889, as very inconsistent and unnatural, if he knew, at the time of securing said affidavit, that these men, who were employes in the Topeka Capital office, knew that he was at work in that office on October 18, 1888.

"We believe that if he had had knowledge of those facts he would have secured their affidavits, rather than of persons who are unsettled in their business, and in a measure irresponsible, one of which resided in Kansas City.

"The most reasonable thing to have done, would have been to secure the affidavits of the men with whom he claimed to have been employed on Octo-

ber 18th, 1888. But there is nothing in the testimony of either McCray, Capper, or Scott, which shows that there was anything said between Henrie and the above-named gentlemen as to what they knew of Henrie's whereabouts on October 18th; but one of the above, Mr. Capper, testifies that he never was asked to make an affidavit, and has not had any conversation with Henrie about the matter since the fall of 1888, until two days before he gave his testimony before the committee.

"As these three gentlemen are only positive as to one thing, namely, that Henrie was in the employ of the *Capital* office on the 18th of October, and as there are some conflicting statements regarding dates, as to Henrie's connection with the *Capital* at that time, it is possible, and highly probable, that they were mistaken in reference to the time of the issue of the *Daily Capital* in which the second expose was published.

"Dates on newspapers do not always indicate correctly the day of issue. For cause, the issue may be later than the date.

"D. O. McCray says that Henrie, on the 18th of October, assisted in the preparation of the matter of an expose of Videttes, to be published the next day (page 447); whereas Mr. Hutchins wrote from Topeka to Ed. P. Greer, of Winfield, on the 17th of October, 'The forms are being made up' (page 96); which shows that the matter was prepared and in the State printing office previous to the 18th; also states that he will send proofs out for publication on Friday morning, but 'will advise by wire to-morrow, if it is to be printed by you Thursday evening.' (Page 96.)

"October 18, 1888, was on Thursday. The expose was to be printed in the Winfield *Courier* on Thursday evening, the 18th, as per telegram of B. S. Hutchins. (Page 96.)

"The same matter that was published in the *Courier* at night was to be published in other papers of the State the next day. It therefore seems to us that the idea of Henrie being in the *Capital* office on Thursday, the 18th of October, assisting in the preparation of the matter of the expose, is not in harmony with the other facts as indicated above; and our opinion is, that the presence of Henrie in the *Capital* office was some other time than the 18th.

"In rebuttal of effort to prove an *alibi* for Henrie, we find the affidavit of Edwin French, who lived in the same house with Henrie. (Page 178.) Also, testimony of Thomas A. Grange. (Page 587.) French states that, to his positive knowledge, Henrie was not at home on October 18, 1888, nor at least for two days before the explosion, and not until notice of the explosion had appeared in the daily papers; that Henrie came home after the explosion, late at night, with gripsack in hand, as though he had been away on a journey.

"On the second day after his return, a request came to the family of Mr. French, by Mrs. Barlow, for them not to mention Henrie's being at home.

"Further, Mr. Grange testifies that on the 18th day of October, the day of the explosion, the men called for Henrie at his home, but could not ascertain where he was. Why this privacy, if no wrong had been committed?

"Also testimony of Mrs. Cougher (page 212), heretofore referred to, showing that Henrie was at a hotel in Coffeyville at some time on or about the 18th of October, 1888.

"Additional proof that the managers of the Republican campaign are guilty of aiding and abetting the preparation and the sending of the box, is found in the appointment of C. A. Henrie as clerk in the Labor Bureau.

"A large amount of testimony plainly showing that he had been active in opposition to the Republican party until August, 1888. The evidence also proves that on account of his personal dishonesty, immoral habits and general want of truthfulness, he had lost the confidence and respect of his former associates. (Page 583.) [588.—Ed.]

"His willingness to betray his associates, and to perform any disreputable act, seemed to be a high recommendation for the managers of the Republican campaign to employ him.

"The evidence shows that he was employed in preparing the matter of the so-called expose. A large portion of the time, while in the employ of the Republican Central Committee, he spent in traveling to Cincinnati, New York, and different cities in Kansas, where he had ample opportunity to procure the necessary material for a dynamite explosion. See testimony of J. W. Whitley (page 179), which shows that C. A. Henrie presided over a meeting in Topeka at which Parsons, the anarchist, spoke; and that he afterward went, with a few others, to a private house, where they talked for several hours; and Parsons explained the method of preparing dynamite, and the use it might have in future conflict. (Page 194.)

"He admits in his testimony that he received pay for all services rendered to the Republican Central Committee at the regular price.

"It seems difficult to suppose any reason for a Republican Governor to appoint C. A. Henrie to any position.

"No labor organization asked for his appointment. He was not a Republican.

"His personal character was such as to preclude his appointment to any position of trust or profit.

"He was known to be an avowed anarchist, or at least to be in sympathy with them.

"He had no recommendation from anyone, except Bion S. Hutchins and Henry Booth. And why they requested his appointment can best be judged from the testimony of Mrs. Cougher, when she states that she heard Henrie say that 'they dare not refuse him.' (Page 212.) It is impossible to think of any explanation of C. A. Henrie's appointment, except that he knew about the damnable plot of preparing and sending the box, and that for the purpose of keeping him silent, the position was given him. The refusal of the Legislature of 1889 to investigate the explosion seems to us a confirmation of the theory that the managers of the Republican party were connected with it.

"Surely such a serious crime, accompanied by such results, openly charged to a dominant party, ought to be worthy of an investigation.

"Joe P. Winton, the business manager of the *Winfield Courier*, and Sid. Cure, a Republican officer, seem to be watching and waiting around the express office on the morning of the 18th, when the box ought to have arrived at Winfield. (Page 316.)

"The open charges of the Vincent brothers through the *Nonconformist* and otherwise, that the managers of the Republican party were responsible for the explosion, finally had the effect to bring leading Republicans together in consultation about the propriety of making a denial of the charges. (Page 286.)

"It was determined to obtain Henrie's affidavits denying these charges.

"Leland Webb was sent for by the Governor to draft the affidavit. After

some conversation Webb said, 'I did not know that this administration was making that kind of appointments,' to which the Governor replied, 'Leland, we had to do it.' (Page 286.)

"As to the value of this affidavit in establishing the innocence of C. A. Henrie, we let the impartial reader judge after reading testimony on page 211, where Mr. Henrie states, 'I can swear to anything.'

"The defense have the honor (if it is an honor) of putting two witnesses on the stand who admitted that they lied for political purposes. (Dr. Rude's testimony, page 418; C. [J.] W. Henthorn, page 412.)

"Ed. Greer's and Bion Hutchins's testimony abounds in distinctions between private actions and political actions, indicating that their habits of thought and action have been of such character that they have gradually lost all sense of obligation to tell the truth or act honestly in a political way.

"While we do not believe that the 'purification of politics is an iridescent dream,' we recognize, from the testimony offered in this investigation about the methods and practices of politicians, that there is an imperative necessity for such purification."

[We here append a portion of Greer's examination as illustrative of the above, and ask the reader to note *who* asks the different questions.

E. P. GREER, being recalled for further examination, testified as follows:

Examined by Mr. SENN: Q. You have frequently charged the Vincents with being anarchists and socialists? A. Yes, sir.

Q. You are, and have been an editor for some years? A. Yes, sir.

Q. You have a fair knowledge of the English language, I suppose? A. Not technically, but reasonably fair knowledge as to the general acceptance.

Q. What is the definition of an anarchist? A. Whose definition?

Q. I mean the definition as it is generally supposed to be understood? A. I have given my individual definition of the word anarchists. I cannot repeat the technical definition of the word.

Q. You certainly have some idea of what the proper definition of the word is? A. I cannot give you anyone else's definition except my own.

Q. You admit, then, that you have used that word for years without any knowledge at all of what the proper meaning is? A. No, sir; I do not admit anything of the kind.

Q. Then give what you understand is the proper meaning of the word. A. I understand the proper meaning of the word to be one committed to a change in the social and political conditions of the country, by civil means, if possible, if not, by forcible means.

Q. Do you not understand that the gist of any definition of anarchy means, to do away with law and order, to break law—to have no order, that is? A. To my mind, anarchy conveys the impression that the person entertaining anarchistic opinions feels at liberty to observe or disobey any laws according to his own individual opinion as to the justice or injustice of those laws; but

it does not convey the necessity of his breaking laws in order to be an anarchist.

Q. What is the proper definition of socialism? A. I should apply the same definition by dropping the idea of force.

Q. Do you not know that the words "socialist" or "socialism" and "anarchist" are exactly opposite? A. No, sir, I do not.

Q. Do you not know that socialism, especially State socialism, implies more

government, more law, and an extension of the functions of government, while anarchy means the doing away with government all together, and doing away with law?

A. That is not my idea of socialism as practiced in the United States.

Q. Have you not heard of socialism being practiced in the United States? A. I have heard of it quite frequently.

Q. You admit, then, that you have used these two terms—socialism and anarchism—indiscriminately for years? A. I admit no such thing.

Q. Then without taking the pains to find out what the words meant? A. No, sir; I do not admit any such thing.

Q. Have you ever taken the pains to look up the meaning of these words? A. Yes, sir.

Q. You certainly do not mean to tell me that you found them to be identical? You don't mean to say that one person could be an anarchist and a socialist at the same

time? A. No, sir; I have not made any such assertion. I do not think that a person can be a socialist and an anarchist at the same time, but I think the two are upon the same general line of thought and action, except one is more extreme than the other—a great deal more extreme.

Q. You mean to say that, after examination of the meaning of these words, that they are both in the same direction, only one is a little more extreme



ED. P. GREER.

than the other? A. Yes; that is my conclusion after careful examination of every definition and feature and declaration of purposes surrounding the two classes of people.

Q. Is it not a fact, as I stated before, that anarchy means the doing away with law and order, and the breaking up of existing conditions? A. I believe that is Webster's definition, substantially.

Q. Now, is it not a fact that socialism implies the extension of the functions of government by adding new functions, such as the controlling of railroads, owning of ships, manufactories—in fact, everything that people do now on their own account? A. The definition you give should apply to Bellamyism. It is very distinct from socialism.

Q. Is that not the definition the dictionary gives? A. I think the definition is something on that line; I do not remember the distinct definition as to socialism.

Q. Then, after admitting this, you still insist that it is proper to call a man a socialist and an anarchist? A. I think that when people add to the doctrine of socialism the further doctrine of denunciation of courts, juries, and all that sort of thing, and that without exception, making that their rule of action as to all courts and all juries, that it comes pretty near making an anarchist. That is about my idea of it.

Q. You have stated the personal character of the Vincents' was good? A. I have so stated—yes, sir.

Q. Do you believe conduct flows from character? A. I do.

Q. How do you harmonize it that parties who have good character will formulate certain terrible doctrines as anarchy, and devise such schemes as you have charged them with? A. I did not imply in this matter of good character, any connection further than their every-day association with men. The matter of every-day association, and the matter of principle and life doctrine, are entirely two different principles to apply to personal character. Upon the first principle, I say they are gentlemen of excellent personal character; upon the second principle, I say that their excellency of personal character make them that much more dangerous in teaching the doctrines which they seem to hold.

Q. What is the definition of character? A. My definition of character is the general estimation in which an individual is held in the community, as to his immediate associations.

Q. Don't you confuse the definition of character with reputation? A. I may do so—yes, sir.

Q. Is not character that which a man really is, not what he seems to be? A. The two words are often used in the same connection and for the purpose of impressing the same idea; but the technical definition is on the line which you suggest.

Q. Do you believe that a man of good character can be guilty of mean or bad actions? A. Yes, sir; I do. That is my idea of things; probably not as to his private actions.

Q. You seem to make a great difference between different actions of men; that is, between his private actions and his public or political actions? A. I do.

By Senator KIMBALL: Q. This statement which you have made, and the distinctions which you have made or drawn between the private lives and public acts of people, are based, I suppose, upon your own observation, and your reading of history and the experience you have had with the doings of mankind? A. Yes, sir.

Q. Is it not a fact that is well established by the experience of mankind, that persons who have committed the gravest crimes against society, law, order and good government, are frequently men of unquestioned integrity and irreproachable private character? A. That is undoubtedly true.

Q. And it was that distinction that you were referring to when you made the distinction between the private and public acts and character of persons? A. I believe I stated in my former evidence that the fact that persons whom I had designated as anarchists appeared to be sincere and honest and active in their convictions, made me feel that they were more dangerous than they otherwise would have been.

By Mr. SENN: Q. Do you know of any men who have resorted to mean and low tricks to carry their point in politics, that were good and pure men in their private life? A. Yes, sir.

Q. Please name a few. A. S. W. Chase, B. H. Clover, S. W. Strong, and Salem Fouts. I can extend this list if you desire.

Q. I meant you to answer that question in reference to men that have passed down in history. A. But theories are generally proved by experience, and history is the experience of the world.

Q. I hope you will give some names that have been known as history. A. History generally leaves behind ordinary, every-day failings of people, and brings down to us their better actions and their better motives; therefore, it is difficult for me to state any person in history who would be an illustration of my idea of your question.

By Judge WEBB: Q. You said, Mr. Greer, in answer to a question of Mr. Senn, that you knew of several gentlemen of unimpeachable moral character who would resort to disreputable and improper means for political purposes; do you know any well-recognized or generally-acknowledged Republican that did that? A. Probably I do; but it is difficult to call them to mind at this time.

Q. Can you think of any? A. I might if I had some time.

Q. The fact is, that that class of men and politicians are a close corporation, and don't tell on each other, do they?

Witness was excused from answering this question.—ED.]

“CONCLUSION.—Our conclusions drawn from the foregoing review of testimony are, that there was a conspiracy on the part of some one to do certain things for the purpose of breaking the ranks of the Union Labor party and adding strength to the Republican party in the political campaign of the fall of 1888.

“The Vidette expose was the first step in that line. This was followed by the second expose and the preparation of the box of dynamite, which would have been in Winfield, Kansas, October 19, had it not prematurely exploded in Coffeyville.

“We are further of the opinion that C. A. Henrie had some connection with the preparation of, and delivered said box at Coffeyville, to be shipped by express to Winfield to be exploded somewhere; and under the excitement following the explosion a raid would probably be made on the office of the *Nonconformist*.

“We are further of the opinion that Bion S. Hutchins and Ed. P. Greer were cognizant of what was being done, if not direct participants of the same.

“And further, that no man could have been appointed Commissioner of Labor who would not appoint C. A. Henrie to a position as clerk in said office.

“And that said Henrie was appointed to the position which he holds to-day as a reward for the part performed by him, and to prevent him from revealing what he knows of the affair which would implicate other parties.

EZRA CAREY, *Chairman*.

M. SENN.

G. W. CRUMLEY.

T. M. TEMPLETON.”

[Two (perhaps three) of the above committeemen were formerly Republicans, and cannot be said to hold any grudge to be satisfied, but have arrived at these conclusions from careful and mature deliberation after examination of the evidence.—ED.]

REPORT OF SENATOR EDWARD CARROLL, DEMOCRATIC MEMBER OF COMMITTEE.

“TOPEKA, KANSAS, May 23, 1891.

“HON. L. U. HUMPHREY, *Governor of the State of Kansas*—SIR: It is already a matter of public knowledge that the committee appointed to investigate the so-called Coffeyville expose, has been unable to agree upon a report which in any way tends to fix the responsibility for that affair upon anyone, or to solve the mystery which surrounds it. Three reports have already been prepared and signed; one by the entire committee, which gives a brief history of the manner in which the investigation has been conducted, a description of the explosion, and some of the surrounding circumstances, and some of the theories which have been suggested to account for it; another by the Alliance members of the committee, which has been given to the public through the newspapers; and a third, signed by the Republican members of the committee. For convenience, I shall hereafter refer to the last two as the Republican and Alliance reports respectively.

“I agree with the Republican report in some of its findings, but to some of the conclusions and matters stated I do not wish to be committed. The Alliance report contains some things to which I agree, and many statements to which I cannot conscientiously subscribe.

"This Coffeyville explosion happened in the year 1888. It was charged upon the Republican party by members of the Union Labor party; and by members of the Republican party it was charged upon the Union Labor party, and upon the National Order of Videttes—a secret political organization which then existed mostly within the Union Labor party. This political party (transformed into the Alliance party) coming into power, this explosion and the charges that had been made in reference to it were considered to be of sufficient political importance to warrant a parliamentary investigation, at an expense of many thousands of dollars to the people of the State. The investigation has been had. No good has been done. No one has been shown to be guilty, and those who claimed to know so much before the investigation, when put upon the witness stand, knew nothing except what Mrs. Grundy had told them.

"The general report states truthfully, that this was a political investigation—a political quarrel, in fact, between the Republican and the Alliance parties. The Democratic party, it is needless to say, is not in it. Being the only Democratic member of the committee, belonging to neither of the interested parties, having no political friends to vindicate or enemies to punish, it is perhaps unnecessary for me to say that I can have no motive or purpose in this matter other than to wrong no one and do equal and exact justice to all.

"I am in hearty sympathy with the Alliance report in its animadversions upon certain unconscionable disciples of Ananias who deliberately invent falsehoods to deceive the public for political effect, and then go upon the witness stand and unblushingly testify to their own shame. There should be no distinction between the political and the private liar. The standard of morality should certainly be as high in those matters which affect the public weal as in those which relate to the private concerns of life.

"A vast amount of evidence was introduced in the endeavor to connect the Republican managers of 1888 with the explosion, and while there was some evidence, generally of a hearsay character, which seemed to point in that direction, yet it was not sufficient, in my judgment, to show any such connection, or to establish any of the charges referred to in the resolutions creating this committee, and I therefore agree with the special findings in the Republican report numbered one, two, three and four, the same being found in said report under the head of "Special Findings."

"The evidence shows that Mr. Henrie was an associate of the Chicago anarchist, Parsons, when the latter was in Topeka; that he was hired to go to New York and Cincinnati, in the interest of the Republican party, to help disrupt the Union Labor party, to which he ostensibly belonged, by assisting in organizing and keeping in the field the United Labor party and ticket; that he also aided in exposing the Order of Videttes, with which he was connected. It would seem that he was generally engaged in the business of betraying his associates for hire, whenever he had an opportunity.

"The evidence of the witnesses, Waldrop, Mrs. Cougher, Grange, and French, would seem to indicate that Henrie might be connected with this affair; yet I cannot see how this testimony, indefinite and uncertain as it is, can stand against the testimony of reputable witnesses like McCray, Scott, and Capper, who swear positively that Henrie was in Topeka on the day of the explosion, and the testimony of Cummings, Mrs. Barlow, Booth, and Judge Reed, all indicating that he must have been in Topeka on that day.

"Considering the previous character and associations of Mr. Henrie, his appointment to a position in the Labor Bureau would seem to be a suspicious

circumstance. He certainly ought not to have been appointed to that position, yet that bureau seems, from the evidence, to have been conducted as if it were a part of the Republican political machine instead of a State department; and from the standpoint of the managers who have of late years been in control of that party, it no doubt seemed fitting that he should be rewarded for the services, or supposed services, rendered by him to the Republican party, to which I have already referred.

"The testimony of Leland J. Webb, if true, would seem to indicate that there was an unusual pressure brought to bear to secure the appointment of Henrie. I have no desire to comment on his testimony further than to say that there were circumstances surrounding the case which somewhat affect its credibility.

"There is absolutely no evidence which in any way connects the organization known as the National Order of Videttes with this explosion, and I agree with the Alliance report in regard to that matter. I have not deciphered and read all the hieroglyphics introduced in evidence as the secret work of this order of Videttes, but so far as shown by the testimony, I have discovered nothing to indicate that this organization is any more revolutionary and treasonable than that very exemplary organization known as the Patriotic Sons of America, and some others that might be mentioned. The charter and initiation fees and dues, the salaries of the several 'Supreme Cyclops,' organizers, lecturers, etc., which pertain to organizations of this kind, were no doubt one of the main objects sought in the organization of the Videttes. The worst that can be said of the order, and that is bad enough, is that it is a secret political society, something so foreign to the genius of our Government that it is hard to understand how any intelligent American can be induced to ally himself with it. This is the one country where secret political organizations have no apology for an existence.

"If the principles upon which any such society is founded are good, publish them to the world; if they are bad, the sooner they are repudiated and stamped out, the better for the country.

"In conclusion, I have only to say that these views are submitted, leaving to the people of the State who may read the testimony to say whether my conclusions are correct and just, or otherwise.

"Most respectfully yours,

EDWARD CARROLL,

Senator 3d District, and Member of Committee."

[The chief recommendation of this report is its brevity. It should be stated here that all the committee were faithful in their attendance upon its sessions except Senators Mohler and Carroll, who seemed to take little or no interest in the matter. Mr. Carroll's report contains a statement that indicates that he felt so little interest as to cause him to be very careless in reading the printed testimony; hence his conclusions are of very little value. He states that Judge Reed is one of the witnesses to prove the presence of Henrie in Topeka on Oct. 18. Inasmuch as Judge Reed's evidence referred to the 19th and not to the 18th, it will be seen how careless the Senator was. We will now invite the reader's attention to Judge Webb's summary of the case.

NOTE.—Attention is here called to a typographical error in the Senate Journal, p. 292, where the record makes it appear that the Senate was acting

upon House concurrent resolution No. 28, instead of the Coffeyville resolution, which is No. 23. By reference to the House Journal (pp. 352, 372), it appears that No. 28 was first introduced by Mr. Coons on February 9; first read in the House February 10, and messaged to the Senate February 11 (Senate Journal, p. 291), at the same time that amendments to No. 23 were messaged to the Senate. (p. 292.) The Senate never acted at all on No. 28, so far as its record shows, and Clerk Stacey has entirely omitted to mention it in his index to House concurrent resolutions. (Senate Journal, p. 905.) It appears, however, on p. 653, House Journal, that the Senate concurred in No. 28. Therefore, from all attendant circumstances preceding and following, it is perfectly evident that No. 23 was under discussion, and acted upon instead of No. 28. (p. 292.)]

We will close this chapter with the following from one of the attorneys.

A LETTER FROM THE TRENCHANT PEN OF H. G. WEBB.

Henry Vincent, Esq., Winfield, Kas. :

MY DEAR SIR—Having been connected with the legislative investigation of the explosion which occurred at the house of one Mr. Upham, at Coffeyville, Kansas, in October, 1888, known as the "Coffeyville Dynamite Investigation," and having given careful attention to the evidence produced before the committee holding the same, I did not deem it necessary to submit to the committee, or to the public, views which I entertain as to the force and effect of such evidence, and the conclusions to be deduced therefrom, until I had carefully read and considered the report made thereon by Senator Charles H. Kimball, Senator J. G. Mohler, and Representative C. N. Bishoff. The report by them signed, under date of May 9, 1891, addressed to Hon. Lyman U. Humphrey, Governor of the State of Kansas, is so wholly at variance with what I conceive to be fair and just deductions from the evidence; so thoroughly impregnated with specious representations and assumptions; so full of garbled statements, amounting to misrepresentation of the evidence referred to, and so pregnant of pure partisanship, disclosing as it does, the one great purpose on the part of him who framed, and of all who signed it, to shield, protect and vindicate Governor Humphrey, Henry Booth, Bion S. Hutchins, Ed. P. Greer, and C. A. Henrie, regardless of what is, or is shown to be, the actual truth.

Mr. Humphrey is an avowed Republican; Booth and Hutchins were chairman and secretary of the Republican State Central Committee; Hon. E. P. Greer, a prominent Republican partisan and official, is editor and publisher of the *Winfield Courier*, the oracle of his party in the Arkansas valley; Senators Kimball and Mohler, either of whom is competent, and neither of whom would be unwilling to prepare and proclaim as true the sentiments and opin-

ions embodied in said report, if the needs of the party should require it, are Republicans, and, as such, zealous and unrelenting; C. N. Bishoff, a harmless, inoffensive gentleman, also a Republican, under the direction and dictation of stronger men than he, such as Kimball and Mohler, is willing to subscribe to that which he supposes to be of interest to his party. Mr. Henrie will be noticed farther on.

For the reasons mentioned, I will submit some views and opinions gathered from and based upon the evidence given to and before the committee while investigating the afore-mentioned explosion.

First: A formidable political organization, of upright intentions, actuated by proper motives, designing and intending to accomplish legitimate ends promotive of public interests and to subserve the general welfare, will employ only such means and agencies as the sober judgment and good conscience of decent citizens will approve and respect.

Second: A party intent upon perpetuating its rule and dominion, regarding that as the paramount purpose to be achieved, will act upon the principle that the end justifies the means.

Whenever a party is wanting in regard for justice and right, as such, it is the logic of history that it intrusts the management and conduct of its political campaigns to the keeping and direction of sagacious, unscrupulous and unconscionable partisans, whose peculiar characteristics induce them to employ the most daring, dangerous, disreputable, detestable, unscrupulous and villainous men and measures within their reach which they can command. History also proves that political organizations actuated by thoroughly selfish and mercenary motives have not failed to gather around them characters possessing in a large degree qualities, the use of which tends to defeat the legitimate aims and purposes of well and honestly-conducted governments.

The explosion at Coffeyville disabled and crippled for all time and nearly destroyed the life of a respectable woman and her daughter. No one pretends that the persons who are responsible therefor designed the explosion should there occur. Mr. Upham, at whose house it did take place, and whose wife and daughter are the physical sufferers on account thereof, was the agent to whom the explosive was delivered for shipment. His residence being nearer the depot than his office, and the train upon which the shipment was to have been made leaving for the west in the night-time, induced him, as a matter of convenience, to remove the explosive to his home. The purpose for which said explosive was designed, the end intended to be effected thereby, and the persons connected therewith, are the important matters, to ascertain which, the dynamite investigation was had. No legitimate purpose has been suggested for which the explosive was intended. The person leaving it with Mr. Upham, then calling himself P. Jason, is not known either at Coffeyville

or Winfield (by that name), nor can he be learned of elsewhere. If he were a veritable P. Jason, and the explosive had been designed for a lawful purpose, and the consignee by him named resided at Winfield, or had directed express matter to be addressed to him there, some inquiry would have been made by him, or on his behalf, at the express office to which he had directed his shipment to be made; as in such event no blame could have attached to either consignor or consignee, for neither could have intended Mr. Upham would remove the explosive from his office to his residence, nor would the consignor, if actuated by good faith, have represented the box to have contained medicines in glass bottles, nor would Mr. Upham, had he known the real character of the express matter, have endangered the life of himself and family by removing it to and storing it within his residence.

We, therefore, are compelled to account for the conduct of P. Jason upon *another* than upright purpose; to do this, it is pertinent to inquire who might hope to derive benefit and advantage by an improper use of dangerous, *yea*, *deadly* agencies. In October, 1888, an earnest political campaign was raging, upon the one side characterized by an unbending purpose to continue the reign of those who, for years theretofore, had exercised official authority for partisan purposes and personal aggrandizement in utter disregard of the rights of the masses and the material interests of the public; upon the other, by an inflexible will and honest purpose to throw off unwholesome restraints, and to secure a recognition of the just complaints of a deeply-injured and sorely-oppressed people.

The contest in Cowley county was earnest, thorough, bitter, and acrimonious. Of those who were sanguine, active and alert upon the side of the party *then* in power, were the editor of the *Courier*, and the members of the Cowley County Central Committee; among those who were actively opposed to Republican policy and tactics were the Vincents, who owned, edited and controlled the *American Nonconformist*, whose editor-in-chief is a bold, fearless and vigorous writer. In his editorials he discussed questions of governmental policy and political economy earnestly, thoroughly, and learnedly; he exposed the pernicious practices and policy of the party to which he was opposed so completely and unmistakably, that he became and was offensive to Republican manipulators and falsifiers. The *Nonconformist* was by them considered an obstacle in their way, and regarded as dangerous to Republican success. The vote of Cowley county was considered an important factor in that campaign, in both the State and congressional contests. To control it, so as to secure thereof a large Republican majority, was considered important by Republican candidates and managers, and Greer believed his securing the post office at Winfield depended upon their success in that direction.

The Republican State Central Committee, with its secretary, consisting as

it did of earnest partisans of enlarged experience in furthering the ends of that party, conceived it necessary to employ measures adequate to the accomplishment of the desired end; whether such means were decent, commendable or infamous, was immaterial. The important thing with them was, that the means should be such as would preserve Republican ascendancy in Cowley county. The *Courier*, therefore, charged the editor of the *Nonconformist* and their political adherents with teaching and advocating doctrines calculated to incite disorder in the State, disobedience to and resistance of its constitutional authority and legal requirements. It charged that they were traitors, engaged in promulgating doctrines of treason against the government of the United States; and thinking to impress others with the truthfulness of said charges, the *Courier*, upon the 4th day of October, 1888, published what is called an expose of the secret work of the "National Order of Videttes," which is an organization consisting of men associated together for reformatory purposes only, pledged to concert of action for the correction of political abuses, the maintenance of the right, and to secure an honest administration of the government, both State and national.

It is composed of men from all political parties, whose sense of duty and of right is sufficiently strong to induce them to withdraw from the political organization with which they respectively formerly affiliated, to the end that a correction and reformation of the evils tolerated, practiced and sanctioned by the old parties might through their efforts be effected.

That an explosion occurred at Coffeyville, disastrous in its results, is indisputable. That some one is responsible therefor, is equally manifest. That C. A. Henrie is fully competent and thoroughly equipped to engage in any villainous undertaking, is no less doubtful. That Ed. P. Greer and the Cowley County Republican Central Committee, for political purposes, arranged with



GEO. W. POORMAN.

"I'll follow you to your death, d---n you."—
Poorman to Vincent, in 1888.

George W. Poorman to surrender his manhood, violate his oath and betray the confidence of his fellows, intending thereby to destroy the influence of the Vincents and their paper, is established by the evidence of Greer and the members of said committee. *Their* testimony, being against themselves, will, I suppose, be believed.

That their effort of October 4, 1888, was abortive, only tended to exasperate Greer and those in that behalf acting with him, and they having commended Poorman to the charities and guardianship of Booth and Hutchins, by means thereof secured active aid from the State Central Committee and its tools, Henrie and McCray. Until C. A. Henrie entered upon the service of Booth and Hutchins, he had been *generally* known as an anarchist; was the intimate friend of Parsons, of Chicago fame; presided at public meetings which were addressed by Parsons, and is shown to have taken lessons from him in the manufacture of dynamite.

Upon October 9, 1888, he visited Winfield, calling at the office of the *Non-conformist* and of the *Courier*; registered at the Bobbitt House under the name of J. O. Brown, of Kansas City, Mo., having no business other than to learn what he could as to the political situation there. He told Greer his mission was to make inquiries concerning his friends, the Vincents. He was then in the employ of Booth and Hutchins, and his only inquiries after the Vincents, so far as known, were made of Greer. He denies having been at Coffeyville upon October 18, 1888, but told Mrs. Cougher at what hotel he stopped at Coffeyville. The hotel register of that date shows two strangers to have registered there. Two gentlemen were at Valeda in the after part of that day, having arrived upon a freight train from the west, one of whom was, by the agent at that point, recognized in the person of C. A. Henrie. Intermediate the arrival of the freight train at and the departure of the passenger train from Valeda, they were at and about the depot. The passenger train upon which they departed would, by way of Nevada, Pleasant Hill, and Kansas City, Kansas, reach Topeka on the day following.

At the instance of Greer, Cooper, and Fry, Poorman procured a copy of the Vidette ritual, and a knowledge of the secret work of the Videttes, the former of which Poorman delivered, and the latter of which he betrayed and disclosed to Greer, from which, and the information thus obtained, Greer made the publication of October 4th.

Poorman's perfidy, in that connection, awakened within him a sense of shame, which inspired him with fear of personal injury, but Greer, Cooper and Fry came to his relief, escorted him to a hotel, guarded him over night, supplied him with means upon which to travel, and gave him a letter of introduction and commended him therein to the confidence and favor of Booth. Poorman left Winfield for Topeka upon October 5th, went to Topeka, and re-

ported to Booth, as was said to Greer by Booth or Hutchins; see page 69. Intermediate the 5th and 11th of October, to wit, on the 9th, C. A. Henrie appeared in Winfield, evincing great anxiety concerning Greer's publication of the 4th; he was still in the employ of Booth and Hutchins. Poorman left for Topeka on the 5th, the day succeeding said publication, and four days before Henrie's appearance at Winfield. I suggest, Greer's letter and Poorman's report to Booth clearly account for Henrie's visit to Winfield and his interview with those whom he found at the office of the *Nonconformist*, and his anxious inquiries concerning the Vincents then by him made of Greer. Henrie left Winfield that same day, as he says, for Topeka, after which Mr. Greer was summoned to Topeka, by telegram from Booth, to which summons he at once responded. I here inquire, Was that telegram sent by Booth because of Henrie's report to him, upon his return from Winfield?

That Greer answered Booth's telegram in person, and, arriving at Topeka about noon of the 12th, immediately reported at the quarters of the State Central Committee, appears at page 75, in Greer's testimony. He saw, at the committee rooms, Booth, Hutchins, and Prouty, and, after talking with Booth and Hutchins, was taken to a room in the hotel, then occupied by Henrie, to whom he was by Hutchins introduced.

Greer published the first expose October 4th.

Poorman left Winfield for Topeka October 5th, with letter of introduction to Booth. Henrie appeared at Winfield October 9th, interested only in the subject-matter of said expose and the condition and behavior of the Vincents.

Upon the 10th or 11th Booth called Greer to Topeka, where he arrived about noon upon the 12th, and the only subject of interest and conversation between Booth, Hutchins, Greer and Henrie was that of the National Order of Videttes, the connection of the Vincents therewith, the exposures of their ceremonies and secrets which had theretofore been and were thereafter to be made. Read Greer's testimony.

Was Henrie at Winfield upon October 9th? No hotel register shows that he was. Greer, E. S. Moore and Henry Vincent say he was; Henrie himself says he was. He wrote the name J. O. Brown, as representing himself, upon the register at the Bobbitt House. So, if we were dependent upon Henrie's sayings and doings for the ascertainment of the truth, we could not satisfactorily determine it. If what he says be true, that which he wrote is a lie. If what he wrote be true, then what he says is a lie. The truth, however, regardless of either his sayings or doings, is demonstrated by the sworn statements of Greer, Henry Vincent, and E. S. Moore. Was Henrie at Coffeyville on October 18th? He says he was not. He said to Mrs. Cougher he was, and at what hotel he stopped. The register of that date does not show *his* name, but does show those of each of two strangers as guests of the hotel. The fact that he did

not register his *real* name in *nowise* disproves his having been there, for it is clearly manifest that he is capable of representing his name to be other than C. A. Henrie. What he says as a witness is wholly irreconcilable with what he said to Mrs. Cougher. The register of the Coffeyville hotel, Henrie's statement to Mrs. Cougher that he was at a hotel there, the appearance of two strangers in the after part of that day at Valeda, their departure therefrom upon the evening passenger, and the recognition of C. A. Henrie as one of them by the Valeda agent, Mr. Waldrop, much *more* satisfactorily prove Henrie's presence at Coffeyville than his *bare* denial refutes the accusation that he was there.

If it be true that the measure of credit which should be accorded to one's statements depends, to some extent, upon the known habits, practices and business relations of the one whose statements are involved, I maintain, applying such test in determining my last question, "Was Henrie at Coffeyville?" that the evidence clearly preponderates against him, and conclusively establishes that he is wholly undeserving of faith and credit; that, notwithstanding his denial thereof, he was, upon the 18th day of October, 1888, at Coffeyville, and then delivered to Mr. Upham the package which afterward exploded at the agent's residence. Why was Henrie then at Coffeyville? If for a proper purpose, there would have been no reason for withholding the fact of his presence, and the purpose thereof. The facts that he did not register his real name, the false statement as to the contents of the box, that it was consigned to one Loudon, at Winfield, conclusively establish that the end sought to be effected by the use of the explosive was to occasion a demonstration at Winfield, where the political fight was hottest, and where the suppression of the *Nonconformist* was, by the active Republicans, earnestly desired. You will ask, "How does it appear that such results would flow, or might have flown, from the shipment of dynamite to L. Loudon?"

It must be borne in mind that P. Jason requested the agent to direct the box, and gave him its destination and name of consignee; also, that Mr. Upham, the agent, was quite deaf. Mrs. Leo Vincent was a *Bowden*. That name, when given to the agent, may have been, and, owing to his defective hearing, probably was, understood as Loudon. That the explosive was intended to play an important part with the Vincents and their paper, is, I think, clearly apparent. Henrie's visit to Winfield October 9th, Greer's talk with Burkhalter in front of Beard's store on the 10th or 11th, his trip to Topeka upon the 12th, his consultation with Booth, Hutchins and Henrie while there, with his statement to Prof. Vincent at the *Courier* office on the 18th, that he "would have something interesting" for him, are matters needing explanations which are yet wanting (if those parties are blameless), which even Kimball and Mohler have not furnished. Immediately after the explosion, J. W. Hen-

thorne charged it upon the State Central Committee and E. P. Greer, for political effect; p. 408. Dr. Thomas Rude, a prominent Cowley county Republican, and intimate with Greer, told Hon. Ben. Clover that he was candidly of opinion that the whole matter was a concocted scheme of Ed. Greer's and other fellows for political purposes; that that had always been his impression of the matter; p. 416. That persons, who are otherwise good citizens, will say and do things in the interest of the end and purposes of a political party of a character which they would neither say nor do in furtherance of other ends, is shown by the evidence of E. P. Greer; page 580.

The election of 1888 resulted in the choice of Lyman U. Humphrey for Governor. After the election was over, those who had supported him, and thought because thereof they had some claim upon him, importuned him to appoint friends and favorites of theirs to places within his gift.

At that time F. H. Betton was Commissioner of the Labor Bureau, having been appointed thereto by Governor Martin. His term of office was two years. There was considerable competition for the place. Among aspirants thereto were D. G. Jones and J. G. Cougher of Shawnee county, the then incumbent, Betton, of Wyandotte county, and Frank A. A'Neal, the "Old Soldiers'" candidate; there may have been others. (See p. 202; and L. J. Webb's evidence, pp. 286, 287.) Mr. Cougher was clerk under Betton for something over five years prior to November 16, 1890. He then quit work because Mr. Betton called for his resignation.

Cougher, that year, was assessed by the Republican State Central Committee for campaign purposes, which he refused to pay. His resignation was called for that his position might be given to a printer by the name of White, who paid \$50 therefor. Cougher was twice notified by John H. Smith, secretary, of the amount assessed to him, and twice he refused to pay.

Henrie began work in the Labor office in March or April, 1889. D. O. McCray was then executive clerk to Governor Humphrey. In August, 1889, he called at the Labor office several times to see Mr. Henrie concerning affidavits which the latter was to furnish; this was after the interview had by the Governor at the executive office with Greer and Hackney concerning the charges of complicity upon the part of Humphrey, Greer, Booth, Hutchins and Henrie in the explosion at Coffeyville. It was also after prominent Republicans insisted that such charges should not longer remain unnoticed, but that, if they could, they should be refuted; correspondence between Gov. Humphrey and W. E. Doud, Esq., page 207. On July 9, 1889, Governor Humphrey, in speaking upon the subject, said to Mr. Doud: "In due time, a week or so hence, as soon as the material can be gathered and collated, a general reply will be made to the whole matter, not over my name, however, but by one of the prominent parties charged." Further on, he says: "When the character-

less, irresponsible scoundrels making the charges shall have said all they have to say, and offer their evidence, if they have any, it will be *our* time to reply." Whom does he mean by characterless, irresponsible scoundrels? Can he refer to the Vincents? If so, he does not believe the sworn statements of Greer or his friend, Hon. W. P. Hackney, each of whom has for years been in the front of Cowley county Republicans; each in his testimony says, in speaking of the Vincents, "they were peaceable, quiet gentlemen, behaved as good citizens, were honest, temperate, and industrious;" Hackney's testimony, page 327. "The personal character of the Vincents is good; I have so stated; I believe conduct flows from character;" Greer's evidence, p. 581. A general reply to the whole matter was to have been made, how, and by whom? The manner of the reply was, to call a halt, and publish the *facts* in the case; this was to be done by Greer; Humphrey's evidence, pp. 220, 221. Greer was to publish the facts concerning the explosion, and by *them* show who *was*, and who *was not*, chargeable therewith. It was then and there assumed that Greer *knew* the facts, or had confidential relations with those who did, and, therefore, *could* make them known. This interview was in July, '89; Henrie was not present thereat, nor does it appear that Greer had corresponded with him at any time theretofore, after October, 1888, but, upon the contrary, Greer swears he had not; still, the trio then consulting determined *he* was adequate to supply that which Greer was unable to furnish. Hackney, a lawyer of skill and ability, the friend of Greer, and a warm supporter of the Governor, had neither time nor inclination to prepare affidavits for Henrie to verify, or have verified, so Leland J. Webb, a frequent caller at the executive office, and friend of Greer's, was, by the latter, suggested as a suitable person to prepare them, and the Governor was to see Webb upon the subject; see evidence of Greer and Humphrey.

The Governor remembers vaguely, just barely remembers, that he did have a talk with Webb concerning the matter, but is oblivious of what was said between them, although the matter was of sufficient importance to induce the Governor to call Greer from Winfield to Topeka, that they might agree upon a plan of exculpating themselves and vindicating their party from the charges preferred against them, as was done by himself, Greer, and Hackney. He does not remember anything he said or did in furtherance of that plan. Hoping to aid his treacherous and defective memory, Webb was called, and, as a witness, related the conversation between himself and the Governor, as follows: "Governor Humphrey called me into his private office and said he had conversed with Hackney and Greer about that dynamite outrage; that they had gone away and could not come back, but had agreed I should write some affidavits. I asked, What ones? He said, 'Affidavits which that fellow in the Labor Bureau was to make.' I asked, What fellow? He said, 'Henrie.' I

said, Henrie? Henrie? what Henrie? He said, 'That Henrie who was said to have been connected with that dynamite outrage down in Coffeyville.' I said, I do not know him; did not know he was over in the Labor Bureau; that I did not know *this* administration was making that kind of appointments. He said, 'Leland, *we had to do it.*' I said, I thought Frank A. A'Neal was to have that place. He said, 'These charges are very serious; they affect me personally, Mr. Greer, and my friends, and *we had to do it.* Hackney and Greer have gone away and cannot come back, and I want you to draw these affidavits.' I said I was not in much of a hurry; that I thought it an outrage that a man like Henrie should, under a Republican administration, be appointed to a position of that kind over an old soldier like Frank A. A'Neal; that Henrie was not even a Republican, but was an anarchist; that it would make no difference what affidavit he should make, that no one would believe him. I declined to draw the affidavits, and bade the Governor good-bye." Webb gave this evidence upon March 9, 1891. It is either true or false. The Governor was again called as a witness on April 1, 1891 (after Webb's evidence had been printed and made public), but his attention was not directed to the evidence given by Webb, nor was he asked to give the conversation had between him and Webb, which in his *first* evidence he admitted he had, but which he was unable to relate. If the conversation were had under such circumstances and were of the character given by Webb, it could *not* have been forgotten, nor could Gov. Humphrey have been oblivious thereof. Hence, his failure to contradict it, his alleged inability to repeat substantially what *was* said between him and Webb, *must* be taken as an assent, upon his part, to Webb's version of the conversation. Who were the *we* who *had to do it*? Why was it necessary for Bion S. Hutchins to request of the Governor that he give Henrie a clerkship?

The charges against Humphrey, Greer, Booth and others were, in the language of the Governor, "very serious," and affected him, Greer, and the Governor's friends. In substance, the Governor said: Booth, Hutchins, Greer, Henrie and myself are charged with a high crime; my friends are becoming uneasy, and, like Mr. Doud, think we should answer and refute those charges, if in our power to do so. Hackney, Greer and myself, in consultation, arranged to do so; and, notwithstanding I am a soldier, and it is the declared purpose of our party, of which in the State I am the head, to give soldiers the preference as to place and position, to enable us to do so (vindicate ourselves) we had to ignore the claims of an old soldier, in the person of Frank A. A'Neal, turn our backs upon our promises and give the lie to our assurances, and place in a lucrative position a scalawag, an anarchist, and a man who, in the language of Bion S. Hutchins, "*we would not trust;*" see evidence of Mrs. Lease; a man who, while doing our bidding, denies his identity,

passes and registers under an assumed name, and that we might suitably reward him we provided for an extra clerkship in the Labor office, and appropriated \$2,000 of the people's money in excess of former appropriations on account of service in said office. "But," says the Governor, "Henrie had been connected with the labor organization, and his appointment may please *them*; hence *we had to do it*." Henrie's appointment was not requested by any labor organization, nor by the representative of any *one* of them, unless the Republican State Central Committee, with Republican candidates and political harlots, persistently engaged in defaming good citizens by criminal means, endangering human life, and in outraging common decency, may be denominated a labor organization. None but those who supported Humphrey asked Henrie's appointment, and of *them* the Governor only remembers Hutchins.

If neither the Governor nor any of the persons accused with him had interviewed Henrie as to his ability to exculpate them, as well as himself, by making known the facts pertaining to the explosion, why did the Governor, Greer and Hackney determine that Henrie should furnish the proof necessary to their deliverance? or did they agree among themselves that Henrie was the man upon whom to call when closely pressed, because from their acquaintance and transactions with him they knew him to be, as *he* said to Cougher *he was*, able to swear to anything? (Mrs. Cougher's evidence.)

Why, in reply to Cougher's statement to Henrie, "I do not believe you will get a job," did Henrie say, "I *will*; they dare not refuse me"? p. 212.

Who were they? He must have meant those who *could* give and had promised to secure to him employment. "*We*," when used by the Governor, and "*they*," when used by Henrie, are synonymous, and mean Humphrey, the Republican State Central Committee, and their friends who aided the Republicans and had knowledge of their secret management in 1888. *They* only could give or influence the giving of a place under Governor Humphrey's administration; the power then behind the throne, which was greater than the throne, consisted of the Republican State Central Committee, Bion S. Hutchins, and Ed. P. Greer. Why were they afraid Henrie would go back on them? Why was Henrie so confident that they *would* not, *dare not*, refuse him? A full response to either will be a complete answer to both these inquiries. Each was too well informed as to and concerning the conduct of the others. Booth, Hutchins, Greer, and Henrie, by reason of their confederation concerning and active participancy in the dynamite scheme previous to the explosion, and Humphrey, by having been informed thereof afterwards, occupied dangerous ground. The public was aroused, editors were getting uneasy, fears were awakened. The Governor was irritated that a Republican like Mr. Doud should think him guilty, and dare to suggest that he should vindicate himself against what, in the language of the Governor, were *serious*

charges, of which Doud, with others from whom he received letters, written, as he says, along the line of those from Doud, believed him guilty. To dispute and disprove the alleged guilt of those accused, we have the evidence of Greer, Hutchins, and Henrie, which is an elaborate plea of a felon, "Not guilty." This single statement is the substance of the evidence given by them. They were not expected to confess their crime.

To prove *alibi* for Henrie, is presented an array of testimony, consisting of two affidavits made by himself, one by Lucy Barlow, and one by John F. Cummings. Henrie says he did not do it, nor does he know who *did*; that he has no knowledge upon the subject. Cummings' affidavit, at p. 448, should be read and preserved as a curiosity. He was personally acquainted with Henrie—had been for a year or more; saw him frequently in October and November; met him on the evening of October 18th at the Grand Opera House, in Topeka; engaged him to report speech of Hon. David Overmyer; left him taking notes; on the next day received his report at the "Windsor." This affidavit bears date June 25, 1889. Who is John F. Cummings? Where did he hail from? and where has he flown? He says he was business manager of the *Daily Sunflower*. If he held such relations to the *Sunflower*, it was, in truth, ephemeral. None but he and Henrie knew thereof, and he faded from view, leaving none to advise us of his whereabouts; he was simply a worthless journeyman printer—now you see him and now you don't. He is like the wind "that bloweth where it listeth: thou hearest the sound thereof, but canst not tell from whence it cometh or whither it goeth." So is John F. Cummings. His affidavit, upon its face, shows it was carefully drawn, with a design to deceive, and was sworn to as a personal favor. (See Smith's evidence, p. 240.)

On August 14, 1889, Henrie took Lucy Barlow, then of Kansas City, Mo., before W. H. Young, of *Kansas City, Kas.*, where *she* made the affidavit signed by her (shown at p. 495). Of her no unkind word will I say—the affidavit speaks an unmistakable language. Henrie made three trips for it before he procured it, and then it was necessary that Henrie's wife come to his aid in securing it. Mrs. Barlow had known Henrie for eight years; while at Topeka she lived in the same house with him, and was almost daily in his rooms. She must have been upon good terms with Mrs. Henrie; therefore, when the wife importuned her on behalf of the husband, it is not strange that she consented to make an affidavit prepared, which was by Henrie explained to her as meaning what she supposed the facts to have been. An inexperienced woman could not interpret and construe the contents thereof so as to determine its legal import and significance. If it were a plain, simple statement of the truth, why any difficulty in obtaining it? and why should the maker thereof be taken from the State in which she lived for the purpose of verifying it?

In July, 1889, Humphrey and Greer, with the approval of Hackney, deter-

mined to answer the charge against them, and to publish the facts pertaining to the Coffeyville explosion, Henrie to furnish proof thereof. Possibly the four affidavits mentioned and referred to disclose such facts, and advise one who is responsible for that explosion. If they do, he who gathers such information therefrom must be able to read between the lines. Does anyone believe that Mr. Henrie, desiring only to have the truth known, would have depended upon Cummings and Mrs. Barlow, the one a tramp, the other an itinerant woman of Missouri, to establish it, when by going into the office of the Governor he could, by the statement of the Governor's trusted and confidential clerk, have shown conclusively, that as to *him* the charges were absolutely unfounded, and could corroborate that clerk by two employés of the *Capital* office, both of whom were then in Topeka? Is it probable, is it reasonable, is it true, that Henrie, knowing he could then command McCray, Capper, and Scott, and prove by each of them that he *was*, upon October 18, 1888, at the middle or fore part of that day, in Topeka, would have passed them by and relied upon the affidavits of Cummings and Mrs. Barlow, instead of making the proof, so near at hand, by persons permanently located? Why were not McCray, Capper and Scott consulted and their evidence taken, when the charges were first made, and what they knew of then recent transactions was fresh in their recollection? But one reasonable answer can be given. Those men were employés of the *Capital* office; each, to some extent, but in different ways, took part in preparing for and aiding in the publication of the expose in their paper of the 19th; each then remembered the circumstances attending it; the remembrance of Capper and Scott would not then enable them to subserve Henrie's purpose; they had no inducement to stultify themselves by making statements by them known to be false; *neither* had his attention directed to the circumstances attending said publication until *after* this investigation began, which was more than two years after the time of the explosion.

Capper and Scott were engaged about their ordinary duties—the humdrum of every-day toil. There is no reason why they should remember what were commonplace and apparently unimportant events occurring upon the 18th day of October more distinctly than those which occurred upon the 15th or 25th of the same month, or on a given day of any other month; dates could only be given by either of them after having his memory refreshed by papers and documents presented to him, or the date desired furnished in the question propounded to him by counsel for defense, and frequently, when necessary to more particularly fix a date, by Senator Kimball, whose tact, skill and ingenuity are proverbial. Note *this* instance of the Senator's efficiency. In Scott's evidence (p. 461), the Senator asks:

“Did this article which you have referred to, the ‘plate matter’ which you found upon the ‘turtle’ in your room, appear in the next issue of your paper

after you found it there?" Scott said, "Yes, sir." The Senator then asked, "Was that how you know it was on the 18th that you found this plate matter there?" Scott answered "That's the way I know; yes, sir." The Senator then said, "And it was published on the next day, which was the 19th?" "Yes, sir." Again: "Was it in reference to this particular matter that you went to Mr. McCray?" "Yes, sir." When Mr. Scott had stated his residence and occupation, he was asked by Mr. Curtis, "Do you know C. A. Henrie?" He answered affirmatively. Counsel then said, "I will ask you to look at the *Topeka Daily Capital*, of Friday morning, October 19, for the purpose of refreshing your memory, and ask you to state if you met Mr. Henrie upon the day before the publication of that paper?" Scott replied, "I did," and was then asked "Where?" and answered, "In the editorial rooms of the *Daily Capital*." He was asked to tell how he happened to meet him on that date. He replied: "I came to the office about 12:30; I found the plate matter for this article upon the 'turtle' in my room; went to McCray to find out about the matter; what it was for. He and Mr. Henrie were in there, and had the proof of the article."

This is the fullness of Scott's knowledge; he did not talk with Henrie; saw no more of him that day; does not know when he saw him last before or next after that time. Henrie had been employed in the *Capital* office some time before—Scott thinks two weeks or a month before; could not tell whether Henrie worked there that day, or when he *did* work, without looking at the pay-roll; that would have spoken the truth with exactness. It was in Henrie's power to produce it, for the purpose of proving affirmatively, a fact (if it be one) important to him. Having the evidence at hand, and failing to furnish it, the legal presumption is, that it would, if produced, speak against the one being able and failing to present it. Mr. Scott has, no doubt, seen Henrie at the *Capital* office, both when he was and was not at work there. How he can remember that he *was* there at a specified time of a particular day when he did not speak to or with him, nor hear a word said by or to him, does not know when he came, how long he stayed, or at what time he departed, whether he had seen him for two weeks or a month before, or how soon after he was visible to the employes of that office, is, at least, remarkable. He does not remember any better than did the Governor in his conversation with Webb.

When we reflect the article was prepared, plate was on hand, and forms were being made up on October 17, or that Bion S. Hutchins wrote Greer that which was not true, we may reasonably conclude Mr. Scott to be mistaken as to date mentioned by him; see Hutchins' letter to Greer, at p. 95. Mr. Scott *was* mistaken or Hutchins lied. Which is the more probable—the more charitable? Scott, long after an occurrence in which he had no direct interest, speaks concerning it. Hutchins was writing of a matter in which he was deeply interested, and which he was directing at the time. The position, conduct and evidence of McCray must not be forgotten or overlooked; he was assistant editor of the *Capital*, the organ of the party in the State; he

expected to be and *was* made executive clerk — still holds that position ; that he is anxious to defend his chief, promptly, by honest means, is both natural and right ; to consent to do so by other means, upright men will not. He was present at the conversation between the Governor, Greer, and Hackney, on July 4, which was of two hours' duration ; p. 456. At p. 458, he says : " Greer, in that interview, was desirous to include in the publication (the answer to the whole matter) affidavits from the parties who *knew* that Mr. Henrie was in Topeka October, 18, 1888." Henrie did not ask an affidavit from him, nor did he offer to make one ; he had listened to the arrangement of the Governor, Greer and Hackney, understood their purpose, knew what Greer wanted to include in his publication, knew he could truthfully make one desired by Greer, which, with those who would believe it, would vindicate the Governor against what *he* considered *serious charges*. Why his silence and inaction in that behalf ? He was anxious Henrie should provide the affidavits required of him, called upon him twice concerning them, knew of the delay in furnishing them, and *all this time* was pregnant with knowledge of the one fact, proof of which would have at once quieted all misgivings as to the purity of the Governor's motives and purposes. A faithful subordinate would not thus have neglected the good name of a high-minded and upright superior. McCray, while giving evidence, was, seemingly, insincere, wanted to be *smart*, sought to evade questions and avoid answering them, by his action saying to the prosecution : *I am an important part of this administration* ; by what right do you propose to question *my* action or motives ? McCray has a distinct remembrance of the events of October 18, but is unable to state what occurred upon any other day, except the one upon which Humphrey, Greer, Hackney and himself had the interview.

During the progress of this investigation he talked with Humphrey, Hutchins, Henrie, Greer, and Booth, as to what he knew and would swear ; he does not remember that he talked with them *all*, at one time, but *does* remember talking with each of them. He must have needed much coaching to prepare him for an acceptable performance of a duty assigned him, as it became essential that he be interviewed and instructed by different individuals from time to time. He says he was talked to ; that they were all talked to. By *all*, he undoubtedly means those who gave evidence concerning Henrie's presence in Topeka October 18th, namely, McCray, Capper, and Scott. Capper's evidence, when taken as a whole, is vague and uncertain. Scott relates circumstances which, taken in connection with other evidence, show that he may have been, and probably was, mistaken as to the day. Of McCray, each must judge for himself. The facts that, soon after the beginning of the Governor's term he became executive clerk, and has since continuously held a position of trust and confidence toward the Governor ; that it was his duty to guard

and defend the integrity of the executive when wrongfully assailed, and thereby help to uphold, free from tarnish, the good name of the State; that the Governor was accused of complicity in the Coffeyville explosion, and with being cognizant that Henrie, pursuant to a common understanding of the conspirators, of whom the Governor was one, was personally at Coffeyville on October 18th, for the purpose of having the explosive shipped to Winfield; that the Governor deemed such charge *serious*; that he, Greer and Hackney had resolved to refute it, and were anxious to do so by sworn statements of persons who knew Henrie to have been upon that day in Topeka, and therefore could *not* have been at Coffeyville; that he possessed this information, essential to the Governor and those accused with him; that he did not furnish, or offer to furnish, his affidavit to Greer for publication, stating his knowledge concerning Henrie; that he was not requested by Henrie to make a statement that he (Henrie) was in Topeka at the time stated; that it did not occur to this zealous, conscientious and faithful executive clerk (and political prostitute) that | was due his benefactor, as an act of duty and gratitude, to relate the simple God's truth, and thereby allay the anxiety of the Governor and the solicitude of his friends, are irreconcilable with the truthfulness of the story he now relates.

A fair man, a decent man, an honest man, a truthful and conscientious man, would not have so delayed, but would have promptly stepped forward, told and offered to verify the truth, as he *then* knew it. His failure in that behalf gives the lie to his evidence given to the committee and is "confirmation strong as Holy Writ" of the truth of the affidavit of Edwin French, at p. 178, who is the father of Lucy Barlow, lived with her in October, 1888, and relates circumstances which would attract attention and stamp themselves upon the memory. He knew Henrie was away from home; saw him with his grip when he returned; told him "that was a nice time of night to come slipping home." Henrie made no reply, but passed on upstairs and remained at home all the next day. When the *Kansas City Times* charged the responsibility of the explosion upon Henrie, French, with that paper, called Henrie's attention to the charge. During the second day after his return, Henrie sent a request to Mr. French, by Mrs. Barlow, not to mention his being at home. Henrie received from some quarter a suit of clothes, and in speaking of them to Mr. French said: "I am not satisfied with a suit of clothes; I *will* have the position promised me in the Labor Bureau, or I will raise hell." This affidavit is natural; it is reasonable in its recitals, has upon its face the impress of truth, is consistent with established facts of the case, is in harmony with the evidence of Mr. Upham, Mr. Waldrop, and Hutchins' letter to Greer, is in full keeping with the infamous purpose of the plotters and the confirmed villainy of Henrie, but it does not accord with the sworn statements of

McCray. I do not say evidence, for the reason that evidence is that which makes clear the truth of the matter in dispute; it persuades the mind and convinces the judgment; while McCray's statements, sworn or unsworn, effect no such results. His manner while telling his story, his evasive and equivocal replies, his manifest unwillingness to tell the truth, his persistent effort to suggest matters not inquired after, his confessed gross neglect of duty, his failing to furnish proof of important matters which he now pretends to have fully known, present him in the light of a pompous, egotistic, arrogant, self-sufficient, ungrateful, hypocritical and colossal liar. Such, in my judgment, is his real character. His pretended knowledge of Henrie upon October 18th is an *afterthought*.

When the affidavits of Henrie, Cummings and Barlow were criticised and analyzed, they proved so diaphanous and gauzy that they needed support and corroboration. Being unable to find it elsewhere, this ever-vigilant executive clerk proclaims his willingness, in the then emergency, to rescue and save those who were imperiled, and, after having been talked to and groomed for the occasion, comes forward and endeavors, as best he can, to save the sinking ship, and, in his way, tells a story barren of truth, false upon its face, and not believed by one who heard it. Another thing to be noticed will be found at page 96. On October 25, 1888, Hutchins wrote Greer: "I return the original of the Vidette expose to you, so that you may convince the skeptical in your county, and publish to the world that you have found another, and can display absolute proof to the doubting ones. It would be well, after election, to send it to the State Historical Society, perhaps. Give them the d—l and pray that the skunk that sent the bomb may be caught." In this letter Hutchins advises Greer to misrepresent and falsify the truth, and declares that he sends a document to enable him to impose upon the credulity of the public; he then suggests the propriety of storing, among the archives of the State, for future observance, the tangible proof of his perfidy and of their hypocrisy.

The hallowed feature of this epistle from Bion to Edward is, the manifestation on the part of Hutchins of resignation to and faith in Providence, when he admonishes his brother Greer to give their opponents the devil, and at the same time to invoke the aid of Heaven; thus, give them hell, and pray. This letter speaks the language and breathes the odor of insincerity, hypocrisy, falsehood, treachery, and blasphemy; it conclusively proves its writer capable of engaging in any undertaking to accomplish which such traits of character need to be exercised. Mrs. Lease, intuitively, or otherwise, must have had a just appreciation of Bion S. Hutchins's religious make-up, when, in speaking of him and his conduct, she said she had not applied to the man, or his deportment, the property or qualification "moral." It is, I suppose, a blessing

that we do not "see ourselves as others see us." From the evidence herein recited and referred to, one must be persuaded that political methods in Kansas have not been characterized by open, frank and candid intercourse with the masses, upon the part of those who inaugurate, manage and direct the means employed to secure triumphs for the *grand old party*; nor are bold, brave men selected, universally, for positions of honor and responsibility. Those of us who believe our Government was established for, and, when right-fully administered, will defend and protect the whole people; that it is the duty of each generation to transmit it to its successor, changed and modified only as is required to adapt it to their needs and conditions; that the constantly-increasing intelligence of the people, in the light of the recorded experience of former generations will enable, and should prompt, each to so reform and modify it, that it may hand it over in a condition better than that in which it received it. Governments do not, in their organic laws, provide for their destruction or overthrow; each anticipates and contemplates its perpetuation, and does provide for such changes as future necessities shall require, to the end that it may the better assist and protect its citizens; hence, each generation is obligated to its successors for all time, and can only discharge that obligation by pursuing the right as God enables it to behold and understand it. The outspoken sentiment of intelligent masses everywhere is condemnatory of a resort to cunning devices, deeds of daring and the use of dangerous instrumentalities for the purpose of controlling civil affairs in which they are interested. Such practices by those seeking positions, and helping to confer the same, destroys confidence and respect, generates distrust and want of respect for those who sit in high places. The conduct and associations of a candidate for Governor should be such that there will be no base upon which to rest a charge of complicity and participancy on his part in disreputable and unsavory practices, and above *all*, the actions of the Governor should not be such as to confirm the truth of charges implicating him, concerning which, before his election, some doubt may have existed.

For twenty years I have known Lyman U. Humphrey; he is *not* a bad man or citizen; as such he would not engage in disreputable or criminal practices. He is both ambitious and weak; his native timidity would cause him to yield readily to others in sympathy with him; his non-combative make-up would incline him to silence when his friends and supporters were prosecuting plans which, at heart, he did not approve; and when after such means were used in his behalf he found himself, because thereof, installed in office and clothed with power, his moral cowardice would induce him to do things which he hoped would withhold from the public a knowledge of the means by which he was elevated. It was *these* influences which operated upon and led him to believe "*we had to do it.*" Ed. Greer, reckless, indiscreet, and insane partisan,

Henry Booth, a large-brained, subtle, deep-minded man, Bion S. Hutchins, with no conscience, but a cheek of rat-trap steel, were a combination which the Governor could not resist. The first suggesting an end desired, the second, means for its accomplishment, the third, undertaking to provide and furnish the agents to apply them. Greer says, We must get rid of the Vincents and their paper. Booth replies, You have been denouncing them as anarchists; just get some desperate character to send to one of them a hellish machine in the nature of a dynamite bomb. You will be able to know when it will reach its destination, and can intercept it at the opportune moment; do *this*, and an exasperated and infuriated populace will do the rest. Hutchins says, I *know the man*; Henrie will rejoice at the opportunity. I will stand sponsor for him.

It is not strange that charges imputing criminal misconduct to men of that character shall awaken doubts; that if for a long time they remain unanswered they are believed. We are judged by the known character of our associates; by our fruits we are known. One of true moral courage, instead of securing position to Henrie, would have said: "Mr. Hutchins, you need not hope or importune me to betray an honest people, or violate sacred trusts with which I am charged. I cannot ignore the wishes and interests of those who have made me what I am, and placed me in position where, by proper conduct, I can make of myself what in right I should be. If you were so unwise or base as to employ criminal means, hoping thereby to advance my political interests, I do not approve thereof, and I *will not* reward those aiding you therein. It is better, infinitely better, that I retire from office at the close of one term, and carry with me in retirement a good opinion of myself, upheld and sustained by a consciousness of having preserved my integrity, than that I shall sanction crime, reward infamy, and by repetition of similar practices, be continued in power. It was the farmer Ashland who said, "It is better to be right than to be President." God designed this glorious commonwealth, this vast empire, the State of our adoption, with its fertile soil and salubrious climate, to be converted into happy homes for millions of prosperous, contented American citizens, from whose homely huts and palatial structures curling smokes should arise like incense in the morning; where, in the years to come, voices of happy children will resound along ten thousand valleys at the summer day's decline; where order, peace and quiet shall prevail—religious liberty be exercised without restraint; where each will be permitted to worship our common Father in harmony with his conceptions of duty and of right. Let us hope the present order may soon subside, and in its stead sober judgment, dictated by pure motives, guided by an enlarged sense of duty, will advise and direct the affairs of state; that the public welfare and its promotion will be universally regarded as the great disidera-

tum; that by united effort and common consent individual interest will be declared inferior, and made to give place to the public good. When this rule shall be adopted and followed, fraud, deceit, hypocrisy and treachery will be unknown in high places, for honesty, candor, sincerity and fidelity will have resumed their positions. Then will the people rejoice, and the nation be exalted; then will the favor and peace of God rest upon and overspread all. To secure this end, an earnest, united effort will be required; its accomplishment, so much to be desired, can only thus be attained. Let us hope for its consummation.

"Hope whispers rest to weary men,
Who long for joy and peace;
It mentions, softly, better times,
When hellish methods cease."

H. G. WEBB.

APPENDIX TO CHAPTER II.

Since the above was written and most of it in type, something further has come to our knowledge, and we avail ourselves of the privilege an appendix affords. On pages 622, 623, of the record, Senator Kimball lays great stress upon the peculiar fitness of Henrie for the office of clerk in the Labor Bureau, alleging that he was a member of the K. of L., the Typographical Union, and American Federation of Labor. There is nothing in the evidence to warrant the assertion that he belonged to the latter organization at all, he was expelled from the K. of L., and we now subjoin some information to show how he was regarded in the Typographical Union.

About the "honorary" certificate of membership in the Typographical Union:

The membership of a trade-union is composed of men (and sometimes women) actually engaged in some one trade as employés, working for daily, weekly, or monthly wages, under the direction of an employer or proprietor. The prime object of a trade-union is to maintain as high a rate of wages and as high a standard of general conditions of employment for its members as is possible. Therefore, employers, proprietors, and non-wage-earners in that particular trade, are universally denied "active" membership, because their interests in that direction are not considered parallel with those of the wage-earner.

In the Typographical Union "honorary" membership is regulated entirely by local laws, some unions conferring the title upon philanthropic persons outside the trade as well as upon ex-"active" members, while other unions refuse to confer the title at all except to persons who have at some previous time taken the usual obligation as "active" members, and are about to

withdraw from active service in the printing trade as journeyman workmen. The latter is the rule in the Topeka Typographical Union. Their "honorary" certificate indicates that the holder was, at some previous time, an "active" member of the union, *i. e.*, a journeyman printer, working at the trade in Topeka, and a member of the Topeka Typographical Union; that he had quit the printing trade and engaged in some other vocation; and that at the time of quitting the printing trade and engaging in some other vocation he was "square" with the union in a financial way — did not owe any back dues, fines, or assessments. The "honorary" certificates issued by a local typographical union are of no force or effect outside the jurisdiction of the local unions issuing them, and they may be revoked at any time the local union sees fit to do so.

There is also an "International Traveling Card" issued to members of the craft when passing out of the jurisdiction of one union into that of another, or when quitting the trade to engage in some other vocation. The "International Card" is good anywhere in the United States or Canada, and secures to the holder admission to union meetings, general recognition among union men, and employment.

Upon quitting the printing trade to accept a position in the Labor Bureau, Henrie, having paid all dues, fines and assessments to date, was entitled to either an "International Traveling Card" or an "Honorary Certificate of Membership," whichever he desired, provided the union had no objection to issuing one or the other.

The facts are, Henrie desired to carry a "Working Card," and thus retain his "active" membership in the union, even after quitting the trade, because that would give him opportunities to take part in the meetings and vote. This the union objected to. The next most desirable thing for him was an "International Traveling Card," because that would give him *entrée* to Typographical Unions anywhere in Kansas, or in the United States, and such a card might be deposited at any time and secure to the bearer the right to participate in important meetings, and vote at important elections. This the union also objected to, on the grounds—as expressed by numerous members—that Henrie's general reputation for unscrupulousness, and his ever readiness to lend himself to low-down political jobbers, would undoubtedly prompt him to prostitute his card and its privileges, if necessary to gain his own diabolical ends.

Having paid up all dues to date, the union could not refuse to give him a receipted bill, and the only thing left was to issue to him an "Honorary Certificate," because that was a form of certificate wholly under the control of the local union, not good outside its jurisdiction, and no other card or certificate could ever be secured by Henrie, except upon surrender of the "Honorary

Certificate" and permission of the Topeka Typographical Union. Therefore, at a regular meeting of the Topeka Typographical Union, by a *unanimous* vote, and that over Henrie's protest, an "*Honorary Certificate of Membership*" was issued to him, that being deemed the safest form to confer upon people of his character.

This, it will be seen, was the simplest way to get rid both of his presence and his influence in any similar union—a practical "kick out of the union" by polite methods instead of with a fight.

THEY "HAD TO" TAKE HIM AND THEY "HAVE TO" KEEP HIM.—In October or November, 1889, the Labor Commissioner made complaint to several trade-unionists in Topeka that the officers and members of various trade-unions in and around the city were very reticent about giving the bureau information regarding wages, conditions of labor, or statistics. The matter was brought up in a subsequent meeting of the Trades Assembly and a special committee of five, each member representing a different trade, was appointed to call on Commissioner Betton, explain to him why the trade-unions were out of sympathy with the bureau, and also offer some suggestions as to how the lack of sympathy might be remedied. That committee had a conference with the commissioner and told him the trade-unions were indifferent about giving information to the bureau because its agents, sent out to collect information and data (Cougher and Henrie), were in such disrepute among honest workingmen that the latter did not care to associate with them, even to the extent of furnishing statistics for the bureau. This committee then suggested some changes in blank forms used by the bureau, and promised the commissioner that if future investigations would be made along certain lines, the trade-unionists would in all probability render him more assistance. No change, however, was made in the *personnel* of the bureau, but the com-



C. A. HENRIE.

missioner *did* endeavor to so detail Cougher and Henrie that their work might be among such people as knew the least about them.

July 3, 1890, a convention of trade-unionists, 49 in number, and representing 15 distinct trades, convened in Topeka for the purpose of organizing a State Federation of Labor, and accomplished their object. Henrie was present at the opening of that convention, and made himself conspicuous in endeavors to so shape the course of the convention in its attitude towards the Labor Bureau, that an indorsement of it might be made use of by the "State-House gang" as an indirect indorsement of the State administration by organized labor. Henrie prepared a resolution, very profuse in compliments to the bureau and its commissioner, and got it before the committee on resolutions, hoping to secure favorable action on it, thus giving him a chance to go back to his chief and say: "*See how solid I am with the boys—I got this through for you.*"

At the afternoon session the convention decided to exclude all persons from the hall except duly-accredited delegates, and thus Henrie was shut out. His resolution was not reported at all by the committee, but in its stead there was presented one denouncing the bureau, its chief, and especially its two subordinates, Cougher and Henrie. This resolution provoked some discussion, and, upon the counsel of some of the more conservative delegates, it was so amended as to "request" the Governor to give the Federation an audience when the time came to make new appointments in the Labor Bureau, thus signifying their dissatisfaction with the bureau as it was then constituted and conducted; and so the resolution passed. (See p. 10, printed proceedings of the convention.) At the evening session of the convention Henrie applied for admission on the ground that he was a trade-unionist, but was informed by the doorkeeper (or sergeant-at-arms) that the resolution excluding all but delegates was still in force, and he could not get in. About half an hour later the doorkeeper reported to the presiding officer that "that man Henrie was listening on the outside of the door," whereupon the doorkeeper was directed to remove Mr. Henrie entirely from the approaches to the hall. The doorkeeper did as directed, but not without some peremptory orders and harsh words. (Pretty strong evidence that he was not popular with the "boys.")

Immediately following this convention, Betton, recognizing that something must be done, concluded to remove Cougher, and sometime between the 1st and 15th of July promised a printer by the name of White a position in the Bureau. The appointment of White, or the promise to appoint him, was made entirely through political influence and without the knowledge of any person connected with the State Federation. The indorsement of trade-unionists was not asked for, though Betton afterwards said he *supposed* White's

appointment would be satisfactory to trade-union people because he was a member of Topeka Typographical Union at the time of his appointment. There is no force, however, in such a statement, because Henrie was a member of the printer's union, and the Knights of Labor, too, when appointed, and Cougher was also a member of the plasterers' union and Knights of Labor when appointed, but *their* appointments were not made on the recommendation of those societies.

Betton's action in removing Cougher, however, was vetoed, *until after election*, and the promise to White was kept a secret until about the latter part of September or first of October. When the promise to appoint White reached the ears of some of the trade-union people and the officers of the State Federation, Betton was informed that if Henrie was going to be promoted from the \$800 position to the \$1,000 one, there would be a "kick" made, *not* because the trade-unionists loved White more, or wanted *him* to have the job, but because they despised Henrie, and felt that his promotion, in the face of previous protests, would be an insult.

Just after election Cougher was dismissed, Henrie promoted, and White appointed to the vacancy. It soon became evident to the officers of the Federation and other trade-unionists that some new plan must be devised to rid the Labor Bureau of its disreputable attachés. The second convention of the Federation was called for February 16th, (about the middle of the legislative session,) and just prior to the time when the Governor would make a new appointment to the office of Labor Commissioner. Betton was desirous of reappointment, and having seen a display of the temper of the trade-unionists in Henrie's case, was equally desirous to get solid with the boys.

It seemed to be the opinion of the "boys"—expressed among themselves—that Betton would have dropped Henrie *if he could*. The fact is, he (Betton) told an old resident of the city (who is now in business in Topeka) and several others that *he had to take Henrie into the bureau*, and it is presumed that the same power that put Henrie into the bureau also promoted him to Cougher's place.

When Humphrey was inaugurated it was arranged between Booth, Hutchins, Cougher, Henrie, and the Governor, that Cougher was to be appointed Labor Commissioner in Betton's stead, and Henrie was to get the \$1,000 clerkship under Cougher. When that scheme got out, Buchan jumped to the rescue of his henchman (Betton), denounced Cougher very bitterly, and served notice on Humphrey that if Betton was not given the place again there would be war between him and Humphrey. A compromise was then fixed up, to the end that Betton was to be reappointed, Cougher was to retain the \$1,000 clerkship, and an \$800 job was to be "worked" for Henrie. Betton here displayed his subserviency by taking in the two fellows who had been trying to

"do" him. Now the matters just stated, together with a good deal more, came to the knowledge of the Federation officers and a few other trade-unionists between the 1st of July, 1890, and the 1st of February, 1891, and Betton was approached with the proposition that the unions would help him unload Henrie if he would let the Federation select a man for the place. This he agreed to, *provided, IT WAS SATISFACTORY TO THE GOVERNOR!* It was suggested that the *right* to select *his* clerks did not belong to the Governor; that if they were honorable citizens and competent clerks, the Governor could not properly object. Betton agreed with the suggestion, but said *he would have to see the Governor first.*

Shortly after this Betton was seen again, and this proposition was made to him: "Will you agree to appoint, in Henrie's stead, one of three persons to be named by the State Federation at its forthcoming convention, if the Federation will indorse you to the Governor for reappointment?" He said he *would have to first confer with the Governor*, and thereupon invited the president of the Federation to accompany him to the Governor's office. At the conference with the Governor the above proposition was repeated, and the Governor, intimating that he was desirous of being on friendly terms with the trade-union people, agreed to protect Betton in his appointment, if one of the three men were appointed. Having secured this promise from the Governor, in the presence of the president of the Federation, Betton thereupon agreed to relieve Henrie at the expiration of his (Betton's) term and appoint one of three persons to be selected by the Federation, provided the Federation would indorse him for reappointment. A conference was also held with Buchan, and he, too, pledged his protection to Betton's appointments, as the Governor had done.

Now, let us go back a little ways. During the latter months of 1890, the clerks and salesmen of Topeka organized a union, and by some hook or crook Henrie obtained membership therein. It was necessary, in his business, to belong to something, and since he had been expelled by the Knights of Labor, retired by the printers' union, (and perhaps refused admission by others,) he of course sought membership in the newest thing that came along. As soon as the clerks were properly organized, they were solicited to send delegates to the Trades Assembly—a sort of central union or council, representing the various unions in Topeka. This was an important matter for a new union, and with his usual sleekness Henrie got himself elected as one of the delegates. At the next meeting of the Trades Assembly, when the clerks' delegates' credentials were presented, Henrie's certificate was absolutely rejected, and to get three delegates in the assembly, the clerks had to elect another in Henrie's stead—one not so obnoxious to honest workingmen. During the month of January the various unions elected delegates to the February

convention of the Federation, among others the Clerks' and Salesmen's Union. By a little wire-pulling Henrie succeeded in getting elected as a delegate from the Clerks' Union to the Federation convention. When this fact became known among the other trade unions a general "kick" was made and the clerks were notified (not officially, but by numerous individuals) that Henrie's credentials *would not be honored*, and possibly the Clerks' Union might be barred out of the convention entirely. It was suggested to them that they revoke Henrie's credentials and elect some other in his stead. They concluded to do so, but Henrie protested, declaring that he would "fight it through." Immediately following this came the announcement that the Legislature proposed to investigate the Coffeyville dynamite matter, and Henrie concluded he had better not have two fights on hand at once, so "resigned" (by request) as a delegate from the Clerks' Union to the Federation.

The Federation finally convened on February 16th. On the afternoon of the 17th the president stated to the convention that important business was yet to come before them, and suggested an executive session. (See page 12, printed proceedings.) The proposition made to Betton (previously referred to), and his agreement thereto, had been made known during the day to perhaps seven or eight delegates, and it had been agreed to that the matter ought to be kept as quiet as possible. The convention agreed, without a dissenting voice, to the proposition to indorse Betton, *provided* he would pledge himself to appoint one of three men (to be named) to Henrie's place. Three persons, Messrs. Brown and Trump, of Topeka, and Mr. McElroy, of Hutchinson, were then selected *by written ballot*, and a resolution passed requesting Betton to appoint one of the three. A resolution was then passed requesting the Governor to reappoint Betton Labor Commissioner. A special committee of three was then selected *by written ballot* to take charge of the matter for the Federation after the convention adjourned, and to them were referred both resolutions, with instructions to call on Betton and get him to *reaffirm his promise*, and if he did so, *then* to deliver to the Governor the resolution indorsing him (Betton) for reappointment. The committee called on Betton, and he not only reiterated his promise previously made, but went to the Governor with the committee, and *both again* pledged their word to carry out the former agreement. Thereupon the resolution indorsing Betton for reappointment was sent to the Governor, and the resolution requesting the appointment of one of the three named was sent to Betton.

Not long after this, and just at the closing hours of the Legislature, the Governor sent Betton's name to the Senate for confirmation as Labor Commissioner for two more years, and the Senate confirmed the appointment. In the meantime, the Coffeyville investigation had been in progress, and the evidence taken therein had so thoroughly convicted Henrie of all he had been

charged with, that Betton actually came to the conclusion Henrie would have to be discharged anyhow, but, to "let the crowd down easy," he proposed to the Federation committee that the appointment of a person in his stead be deferred a little while. Trusting in Betton's honor, the committee acquiesced. A couple of months passed by, and Betton notified Henrie he must look for another job. Henrie objected to this, and set to work "pulling the strings" to retain his place. The Federation committee became impatient, and demanded the fulfillment of the promise. Betton then proposed that the change be deferred until July 1, as that was the end of the fiscal year, and really the close of the term for which Henrie had been appointed. By-the-way, we might remark here that Henrie was appointed in March, 1889, and although the additional appropriation made by the Legislature that winter, out of which Henrie was to be paid, was not available for that purpose until July 1, it has not yet been explained where the money came from that Henrie received during the first four months he was employed in the bureau. The State Auditor's printed report, however, *does* show that Betton drew out of the State Treasury, for the month of July, 1889—the first month of the fiscal year—\$458 for clerk hire, etc., *exclusive of his own salary*. (Public Documents, 1889–1890, Vol. I, p. 277.) Perhaps a parallel for this kind of financiering can be found in the methods he employed to liquidate the \$50 assessment made on Cougher by the Republican State Central Committee last fall.

But to resume. Betton's proposition to postpone the change until July 1st was explained to be for the reason that "if Henrie was discharged right away after the adjournment of the Legislature, the Alliance people would say *they had to do it*," and of course the bosses could not stand that; besides, he said, "it had been decided that another job *must* be found for Henrie before he was discharged from the Labor Bureau." In the meantime Henrie called in the influence of his associates in the campaign of 1888, and, from what has since transpired, it is evident that the fiat went forth that the Governor and Betton must repudiate their promise to the trades-union people. No individual or corporation has yet been found willing to take Henrie off their hands, so he still remains in the "service of the State," in direct opposition to the repeatedly-expressed desires of the workmen citizens of the commonwealth—the very class for whose benefit the Labor Bureau was originally organized.

Verily, it is evident *they HAD to take him*; and now they seem to be maintaining the bureau for *his* benefit. Why?

CHAPTER III.

IMPEACHMENT OF JUDGE THEODOSIUS BOTKIN—TRIAL BEFORE THE STATE SENATE.

MEMBERS OF THE SENATE OF 1891, CONSTITUTING THE COURT OF IMPEACHMENT FOR THE
TRIAL OF THEODOSIUS BOTKIN, JUDGE OF THE THIRTY-SECOND JUDICIAL DISTRICT.

<i>Dist.....</i>	<i>Name.</i>	<i>Age....</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
1	John Schilling.....	54	Hiawatha.....	Brown.....	Republican.
2	Henry Elliston.....	39	Atchison.....	Atchison.....	Republican.
3	Ed. Carroll.....		Leavenworth.....	Leavenworth.....	Democrat.
4	W. J. Buchan.....	48	Kansas City, Kas.....	Wyandotte.....	Republican.
5	T. M. Carroll.....	46	Paola.....	Miami.....	Republican.
6	Joel Moody.....	56	Mound City.....	Linn.....	Republican.
7	W. W. Martin.....	51	Fort Scott.....	Bourbon.....	Republican.
8	M. C. Kelley.....	45	Mulberry Grove.....	Crawford.....	Republican.
9	W. S. Norton.....	46	Scammonville.....	Cherokee.....	Republican.
10	C. H. Kimball.....	44	Parsons.....	Labette.....	Republican.
11	D. McTaggart.....	50	Liberty.....	Montgomery.....	Republican.
12	S. S. Kirkpatrick.....	44	Fredonia.....	Wilson.....	Republican.
13	O. S. Woodward.....	55	Neosho Falls.....	Woodson.....	Republican.
14	R. W. M. Roe.....	42	Grenola.....	Elk.....	Republican.
15	J. L. Senior.....	36	Waverly.....	Coffey.....	Republican.
16	John C. Rankin.....	40	Quenemo.....	Osage.....	Republican.
17	W. C. Howard.....	49	Baldwin.....	Douglas.....	Republican.
18	T. A. Osborn.....	54	Topeka.....	Shawnee.....	Republican.
19	C. F. Johnson.....	34	Oskaloosa.....	Jefferson.....	Republican.
20	John K. Wright.....	56	Junction City.....	Geary.....	Republican.
21	R. M. Emery.....	36	Seneca.....	Nemaha.....	Republican.
22	E. A. Berry.....	46	Marysville.....	Marshall.....	Republican.
23	F. P. Harkness.....	35	Clay Center.....	Clay.....	Republican.
24	H. E. Richter.....	44	Council Grove.....	Morris.....	Republican.
25	Edwin Tucker.....	53	Eureka.....	Greenwood.....	Republican.
26	T. B. Murdock.....	45	El Dorado.....	Butler.....	Republican.
27	L. P. King.....	41	Tannehill.....	Cowley.....	Republican.
28	J. W. Forney.....	50	Belle Plaine.....	Sumner.....	Republican.
29	O. H. Bentley.....	38	Wichita.....	Sedgewick.....	Republican.
30	H. B. Kelly.....	48	McPherson.....	McPherson.....	Republican.
31	J. G. Mohler.....	47	Salina.....	Saline.....	Republican.
32	Sidney C. Wheeler.....	45	Concordia.....	Cloud.....	Alliance.
33	J. H. Mechem.....	31	Mankato.....	Jewell.....	Republican.
34	F. M. Lockard.....	35	Norton.....	Norton.....	Republican.
35	R. R. Hays.....	45	Osborne.....	Osborne.....	Republican.
36	S. J. Smith.....	55	Lyons.....	Rice.....	Republican.
37	F. E. Gillett.....	43	Kingman.....	Kingman.....	Republican.
38	Chester I. Long.....	30	Medicine Lodge.....	Barber.....	Republican.
39	J. W. Rush.....	45	Larned.....	Pawnee.....	Republican.
40	Hill P. Wilson*.....	50	Hays City.....	Ellis.....	Republican.

*Senator Wilson, of the Fortieth District, resigned his seat before the Senate met to try the impeachment, leaving but 39 Senators to constitute the court.

OFFICERS OF THE COURT:

President.....	A. J. FELT, <i>Lieutenant Governor</i> , Seneca.
President <i>pro tem</i>	F. P. HARKNESS, Senator 23d District, Clay Center.
Secretary	A. G. STACEY, Topeka.
Reading Clerk.....	JOHN Q. ROYCE, Smith Center.
Record Clerk.....	J. J. MAXWELL, Kansas City.
Journal Clerk.....	T. J. JACKSON, Newton.
Sergeant-at-Arms	L. C. SMITH, Smith Center.
Stenographer.....	R. A. HENDERSON, Topeka.

A most remarkable trial took place in April and May, 1891, before the Senate of the State of Kansas, sitting as a court of impeachment. A judge of the State district court, charged with crimes enough to damn him to eternal infamy, was tried and acquitted. If he was innocent, his acquittal was right. But he was not innocent—he was guilty, and was proven guilty beyond a possibility of doubt. Then why was he not convicted? Simply because he was a Republican, and the Senate which tried him was Republican. It was the common boast of many of the Senators, in advance of the trial and during the trial, that no Republican office-holder should be convicted and removed from office by a Republican Senate. That the reader may know and remember the Senators who composed the impeachment court, a list copied from the official record of the trial is given on a preceding page, showing the district, residence, and politics of each Senator. Below we give the names of the Board of Managers representing the House of Representatives, and also a list of the counsel engaged in the trial, namely:

On the 27th of February, 1891, the House of Representatives appointed the the following members of the House as a Board of Managers to conduct the impeachment of Judge Botkin, namely: A. N. Whittington, chairman, Representative 99th District, Lincoln, Lincoln county; W. H. Mitchell, Representative 93d District, Huntsville, Reno county; Geo. H. Coulson, Representative 88th District, Anthony, Harper county; William C. Webb, Representative 41st District, Topeka, Shawnee county; and J. B. Coons, Representative 17th District, Spring Hill, Miami county.

The counsel for the State were: John N. Ives, Attorney General, Topeka; Geo. L. Douglass, of Wichita; and A. M. Mackey, of Topeka. The last two were appointed by the Board of Managers.

The counsel for respondent were: S. B. Bradford, of Topeka, Shawnee county; Thomas S. Haun, of Pittsburg, Crawford county; Lewis Hanback, of Osborne, Osborne county; J. H. Pitzer, of Arkalon, Seward county; William Easton Hutchison, of Ulysses, Grant county; and Wm. P. Hackney, of Winfield, Cowley county.

THE POLITICAL SITUATION.—The question of party politics—the political views or faith of the triers, or of any person placed upon trial—ought not to affect a question so momentous as the fitness of a man to fill a great judicial office; but it not only did affect it in this case, but actually controlled it, so far as the Senate was concerned. And as that body made party politics the criterion of guilt, we propose to show, at the very outset, that the Senate misrepresented and wickedly disregarded the political sentiment of the people of Kansas.

When the Legislature of 1889 met in January of that year, every State officer was a Republican, elected at the general election of 1888, by pluralities over the Democratic candidates varying from 83,909 for Geo. W. Winans for State Superintendent of Schools, down to 73,361 for Lyman U. Humphrey for Governor; and by majorities over all other candidates ranging from 35,921 for Mr. Winans, down to 31,080 for Governor Humphrey. The Legislature of 1889, chosen at the general election of 1888, stood thus: In the Senate, 39 Republicans and 1 Democrat; in the House, 121 Republicans, 3 Democrats, and 1 Union Labor. The State was represented in Congress by 2 Republican United States Senators, and 7 Republican Representatives. At the general election held in November, 1888, the State had given Benjamin Harrison, Republican, for President, a plurality of 80,159, and a majority over all of 35,542. At that time there was no political organization in the State known as the People's Party.

Notice the changes wrought in two years. At the election held in November, 1890, the Republican majorities had disappeared. In 1888, Governor Humphrey's total vote was 180,841; in 1890 it was only 115,025—a loss of 65,816. His plurality of 73,361 in 1888, had been reduced to 8,053—a loss of 65,308. His majority of 31,080 in 1888 had disappeared, and there was a majority of the popular vote against him of 64,538. The political complexion of the House of Representatives had also changed. Instead of 121 Republicans, as in 1889, the House of Representatives of 1891 contained only 25 Republicans. Instead of an "opposition" of four only, there were, in 1891, 7 Democrats and 93 People's Party members. One vacancy had occurred in the Senate in a district which, in 1888, had elected a Republican by 1,163 majority, and that vacancy had been filled by a People's Party Senator, chosen in 1890 by a majority of 1169. Of the seven Congressmen elected in November, 1890, the Republicans elected only two, and the People's Party elected five. Instead of a Republican majority of 155 on joint ballot, as in the Legislature in 1889, the Legislature of 1891 had a People's Party majority of 31, and elected a People's Party man for United States Senator, and a People's Party man for State Printer.

The following figures show the actual result of the State election held in November, 1890, and are worth remembering:

<i>Candidates.</i>	<i>Plurality.</i>	<i>Actual majority against.</i>
Humphrey, Governor.....	8,053	64,538
Felt, Lieutenant Governor.....	4,915	53,409
Higgins, Secretary of State.....	5,036	52,155
Hovey, Auditor of State.....	8,443	49,780
Stover, Treasurer of State.....	5,430	51,676
Winans, Supt. of Public Instruction.....	7,139	49,701

For Attorney General, L. B. Kellogg, Republican, received 122,752 votes — being 7,727 more than Mr. Humphrey received for Governor, 2,284 more than Mr. Felt received for Lieutenant Governor, 1,783 more than Mr. Higgins received for Secretary of State, 1,504 more than Mr. Hovey received for State Auditor, 1,435 more than Mr. Stover received for State Treasurer, and 591 more than Mr. Winans received for State Superintendent of Public Instruction, and yet Mr. Kellogg was defeated. His opponent, John N. Ives, received 170,665 votes, being the united vote of the People's Party and Democrats, and was elected — his majority over Mr. Kellogg and "scattering" being 47,708.

The following figures are equally instructive respecting the vote in the several Congressional Districts, at the November election, 1890:

<i>District.</i>	<i>Total Republican vote.</i>	<i>Total opposition.</i>
First district.....	14,630	20,478
Second district.....	17,713	22,609
Third district.....	19,061	23,492
Fourth district.....	19,994	24,996
Fifth district.....	13,998	22,821
Sixth district.....	12,105	21,049
Seventh district.....	25,181	32,612
Totals in the State.....	122,682	168,057

These figures show an opposition majority in the State of 45,375 on the congressional vote; but the Republicans elected their candidates, in the First district by a plurality of 1,380, and in the Second district by a plurality of 5,440.

And here is still another showing of the Waterloo which overtook the "grand old party" in 1890. As already stated, the Senate chosen in 1888 consisted of 39 Republicans and 1 Democrat. Take the vote cast for Mr. Ives for Attorney General in 1890 as representing the opposition to Republican rule and mismanagement, and the vote for Mr. Kellogg as representing

the Republican strength, and it will be seen that only four of the 39 districts gave Republican majorities in 1890, and these were greatly reduced—thus:

DISTRICT.	1888	1888.			1890.		
		Rep. vote.	Opposition.	Rep. maj.	Rep. vote.	Opposition.	Rep. maj.
	<i>1888</i> <i>Senator Elch</i>						
First district.....	<i>Schilling</i>	4,260	3,763	497	3,960	3,601	359
Thirteenth district.....	<i>Goodman</i>	2,986	2,203	783	2,536	2,483	53
Seventeenth district.....	<i>Howard</i>	3,215	2,071	1,184	2,671	2,362	309
Eighteenth district.....	<i>Johnson</i>	7,726	3,361	4,365	5,132	4,968	164

And in 35 Senatorial Districts there were unquestioned majorities for the People's Party in 1890, thus:

DISTRICTS.	1888	1888.			1890.		
		Rep. vote.	Opposition.	Rep. maj.	Rep. vote.	Opposition.	Opp. maj.
	<i>1888</i> <i>Senator Elch</i>						
<i>#</i> Second district.....	<i>Elliston</i>	3,009	2,919	90	2,385	2,926	541
Fourth district.....	<i>Backus</i>	5,101	4,532	569	3,203	4,008	805
Fifth district.....	<i>J. M. Sand</i>	4,164	3,931	233	3,663	4,645	982
Sixth district.....	<i>Harvey</i>	3,676	3,262	414	3,480	3,646	166
Seventh district.....	<i>Wright</i>	3,470	2,665	705	2,476	2,955	479
Eighth district.....	<i>J. C. Kelley</i>	3,211	3,202	9	2,466	3,891	1,425
Ninth district (a).....	<i>W. T. Lee</i>	2,656	2,121	535	1,955	3,737	1,782
Tenth district.....	<i>Wright</i>	2,790	2,788	2	2,277	3,247	970
Eleventh district (b).....	<i>M. J. Lee</i>	2,658	2,330	328	2,423	2,801	378
Twelfth district.....	<i>W. T. Lee</i>	4,285	3,875	410	3,511	4,054	543
Fourteenth district.....	<i>Wright</i>	3,145	2,364	781	2,598	2,841	243
Fifteenth district (c).....	<i>Wright</i>	4,188	1,978	2,210	3,338	4,722	1,384
Sixteenth district.....	<i>Wright</i>	3,433	2,480	953	2,122	3,438	1,316
Nineteenth district.....	<i>Wright</i>	4,176	3,069	1,107	3,445	3,578	133
Twentieth district.....	<i>Wright</i>	4,452	2,774	1,678	2,847	4,416	1,569
Twenty-first district.....	<i>Wright</i>	4,910	3,303	1,607	3,654	4,759	1,105
Twenty-second district.....	<i>Wright</i>	5,719	3,956	1,763	3,609	6,481	2,872
Twenty-third district.....	<i>Wright</i>	4,638	3,456	1,182	2,989	5,151	2,162
Twenty-fourth district.....	<i>Wright</i>	5,302	2,935	2,367	3,780	4,552	772
Twenty-fifth district.....	<i>Wright</i>	5,281	3,369	1,812	3,479	5,019	1,540
Twenty-sixth district.....	<i>Wright</i>	2,956	2,670	286	2,144	2,998	854
Twenty-seventh district.....	<i>Wright</i>	4,053	3,547	506	3,140	3,843	703
Twenty-eighth district.....	<i>Wright</i>	3,501	3,457	44	2,490	3,833	1,343
Twenty-ninth district (d).....	<i>Wright</i>	5,312	4,607	705	2,412	6,807	4,395
Thirtieth district.....	<i>Wright</i>	4,386	3,832	554	3,457	4,082	625
Thirty-first district.....	<i>Wright</i>	3,803	2,710	1,093	2,451	3,879	1,428
Thirty-second district (e).....	<i>Wright</i>	4,339	3,176	1,163	3,123	4,650	1,527
Thirty-third district.....	<i>Wright</i>	3,941	3,100	841	2,572	4,182	1,610
Thirty-fourth district.....	<i>Wright</i>	4,872	3,914	958	2,537	4,325	1,788
Thirty-fifth district.....	<i>Wright</i>	4,843	3,018	1,825	2,881	4,680	1,799
Thirty-sixth district (f).....	<i>Wright</i>	4,152	3,811	341	2,870	4,912	2,042
Thirty-seventh district.....	<i>Wright</i>	5,607	4,877	730	4,000	5,862	1,862
Thirty-eighth district (g).....	<i>Wright</i>	3,992	3,945	47	2,297	4,067	1,770
Thirty-ninth district.....	<i>Wright</i>	9,882	7,157	2,725	5,186	5,267	81
Fortieth district.....	<i>Wright</i>	10,633	7,316	3,317	5,382	8,026	2,644

NOTE.—For explanation of reference marks see the following page.

Third District — Ed Cornell — Dem. maj. (Leav. Co)

The foregoing is a correct showing of the result of the election in Kansas in 1890. One would naturally think that upon such an uprising on the part of the people, and such a condemnation of the party so long in absolute power in Kansas, that the Republicans of the State would have called a halt, and taken counsel as to the future. Not so. Their meager but humiliating plurality on the State ticket had apparently maddened them. With a Republican Governor, although defeated by the popular will by more than 64,000 votes, to sustain them in their action, the Republican Senate assumed an insolent and offensive superiority over the House of Representatives, manifested an utter disregard for the people of the State, and from the very outset showed a purpose to insult the People's Party (or the "Alliance," as they chose to call it); and they not only manifested a studied purpose, but several of the more insolent members of the Senate openly declared it their purpose to trample upon and defeat every measure of a legislative character which the People's Party in the House undertook to accomplish. And even those measures inaugurated in the interests of the people of the State, which met the approval and received the support of some of the Republican Representatives, fared no better in the Senate. It was apparent to all observing men that the Senate, as a body, was alike insolent and arrogant, and was bound to "sit down on the Alliance (or People's Party) House" (as some of the Senators frequently declared they would do), on every possible occasion. In their mad haste to exhibit their assumed superiority, they failed to realize the fact that 35 out of the 40 of their number had been condemned by the emphatic voice of the people of their respective districts at the ballot-box,

(a) In the Ninth district in 1888 there were four candidates, and there was an anti-Republican majority of 960; but the Republican candidate received a plurality of 535.

(b) In the Eleventh district in 1888 there were three candidates, and there was an anti-Republican majority of 365; but a Republican was elected by 328 plurality.

(c) There were four candidates in the Fifteenth district in 1888, and there was a Republican minority of 113, but a Republican plurality of 2,210.

(d) In 1888 there were four candidates in the Twenty-ninth district. The anti-Republican majority was 174. Republican plurality, 705.

(e) Senator Swearingen, of the Thirty-second district, elected in 1888, died, and in December, 1890, Sidney C. Wheeler, People's Party, was elected to fill the vacancy. His majority over John W. Sheafor, Republican, was 1169.

(f) Senator Chapman, of the Thirty-sixth district, who was elected in 1888, resigned in 1889; and at the general election held in 1889, the vacancy was filled by the election of S. J. Smith, Republican, by a majority of 1,923, over Joshua Good. In 1890 this district gave a majority in favor of the People's Party of 2,042.

(g) Senator Price, of the Thirty-eighth district, who was elected in 1888, resigned in 1889, and at the November election held in 1889, Chester I. Long, Republican, was elected over A. M. VanLaningham by 695 majority. In 1890 this district gave the People's Party a majority of 1,770.

and that they were thereafter misrepresenting their constituents. These faithless Senators carried their wicked disregard of the people and the people's rights to the full extent of opposing whatever the People's Party supported; and a like spirit of political partisanship was carried into the Botkin impeachment case, as will be seen in the following pages.

THE THIRTY-SECOND JUDICIAL DISTRICT.—The Legislature, at its session in 1889—having 121 Republicans in the House out of 125 members, and 39 Republicans in the Senate out of 40 members—created the Thirty-second Judicial District. There was no possible need of any such district—no excuse for creating it. The district comprises six counties lying in the southwest corner of the State. Taking the official figures of the general elections held in 1888, 1889, and 1890, as found in the reports of the Secretary of State, and official figures of the United States census taken in 1890, and it will be seen that the Thirty-second Judicial District must have been created by a Republican Legislature for the sole purpose of making a fat place for some Republican, with practically nothing to do for the people. It will be seen, too, from the total vote cast in the years named, that the population there in 1888 was to a large extent temporary, or the vote in one year would not have been reduced 1,505, and in another year further reduced 548. Here are the figures:

<i>Counties.</i>	<i>Total vote, 1888.</i>	<i>Total vote, 1889.</i>	<i>Total vote, 1890.</i>	<i>Popu- lation, 1890.</i>
Seward.....	657	471	276	1,502
Stevens.....	659	409	306	1,404
Morton.....	574	299	211	723
Stanton.....	549	287	250	1,031
Grant.....	690	338	293	1,307
Haskell.....	511	331	251	1,069
Total in district..	3,640	2,135	1,587	7,036

The judicial district adjoining the Thirty-second on the east, and that adjoining it on the north, are both small in population and business; but with these we have not now to deal. Of the remaining thirty-two districts, four contain more than 60,000 people each, and the remainder contain an average of 37,000 population. It needs no argument to show that the Thirty-second district, with its total population of only 7,036, and its vote so small that not one of the six counties was entitled to representation in the lower house of the Legislature at the sessions of 1889 and 1891, ought never to have been created. But it was created; and on its creation, Governor Humphrey appointed Mr. Botkin judge, and at the November election held in 1889 he was elected by the people. The above total of votes cast in the district in 1889 represents 1,357

votes cast for Botkin, and 778 cast for S. N. Wheeler for district judge. Judge Botkin was a Republican, appointed by the Governor as a reward for political services; hence it would not do to remove him from office for any cause whatever.

PRELIMINARY PROCEEDINGS.—The proceedings of the Botkin impeachment case fill two large volumes, aggregating 1,402 pages, exclusive of the index. Two thousand copies were printed and bound. Every member of the Senate constituting the court was furnished with twenty copies, and every member of the House of Representatives of 1891 was furnished with five copies. Most of the remaining copies went to the State officers and judges. The full report of the trial is therefore within the reach of anyone who wishes to test the accuracy of this synopsis.

We propose to make a correct synopsis of this remarkable trial, showing its origin, the politics of those who inaugurated it, its political significance, the proof of Botkin's guilt, and the political and legal villainy of the Senators who acquitted Botkin. And first we call attention to the fact that it was not the People's Party in the House of Representatives, nor members of the People's Party in the Thirty-second Judicial District, that inaugurated the proceedings for his impeachment and removal.

The official journal of the House of Representatives shows that on the 6th of February, 1891, Mr. Webb, a Republican member from Shawnee county, presented to the House four petitions, asking for the removal from office of Theodosius Botkin, as judge of the Thirty-second Judicial District, "for unfitness, immorality, and corruption in office." It may be asked why a Representative residing so far from the Thirty-second Judicial District presented these petitions, and why a Republican presented them. Mr. Webb himself made answer to these questions at the trial. He was one of the Board of Managers appointed by the House of Representatives to conduct the trial on the part of the House, and being attacked by Mr. Botkin's counsel for his connection with the case, he answered fully in his argument before the Senate. (See Impeachment Trial, pp. 1342 to 1372.) We quote from Mr. Webb's address as follows:

"It was charged by Mr. Hackney [attorney for Judge Botkin] that I was actuated by malice in whatever I have done and have been doing in this prosecution against the respondent. There is not one word of truth in it. I never entertained, and do not entertain at this moment, anything but the kindest feelings for the respondent. . . . When last winter I introduced the petition in the House of Representatives praying that action be taken against the respondent for his removal from office, I did so only after the most repeated solicitation on the part of men who reside in the Thirty-second Judicial District. I refused again and again; and was finally induced to act, only because there was no Representative there from any one of the six counties in that judicial district. Those counties were represented

by 'Delegates,' so-called, who were not members of the House, possessing the right to present propositions or to vote. When I inquired as to who were the complaining parties. I was informed they were H. F. Thompson, the editor of the *Springfield Republican*; C. L. Calvert, a real-estate man; J. F. Van Voorhis, the chairman of the Republican Central Committee of Seward county; S. A. Klein, the postmaster of Springfield; and the Rev. Mr. Bradley—all of whom except Mr. Bradley were prominent Republicans residing in the same county in which the respondent then resided and still resides. Mr. Bradley told me that although he took no active part in politics he was a Republican, and voted the Republican ticket."

This shows that the People's Party as a party was not responsible for the preliminary proceedings against Judge Botkin. The House Journal shows that Mr. Webb on the 6th of February introduced four petitions, numbered respectively House petitions Nos. 152, 153, 154, and 155, and Mr. Webb moved that said House petition No. 152 be read at length, and be spread upon the journal of the House, and that 300 copies thereof be printed without delay for the use of the members of the Legislature. This motion was adopted, and the petition will be found at length in the House Journal at pages 306 to 314, and in the Impeachment Trial at pages 5 to 13.

A brief abstract of petition No. 152 must suffice here. It alleged that Theo. Botkin, while occupying the official position as judge of the Thirty-second Judicial District, had been repeatedly intoxicated in public places since his appointment and election as judge; that he was continuously using intoxicating liquors during the entire term of the district court of Seward county, in January, 1890, and was more or less under the influence of intoxicating liquors; that he was repeatedly intoxicated during the June term 1890 of said district court; that at the January term 1891 of said district court, he was repeatedly under the influence of intoxicating liquors, and while in that condition abused and vilified reputable citizens of said county, and threatened to incarcerate them in the jail of said county for expressing their opinions regarding his conduct and his official acts; that during the April term 1890 of the district court of Grant county, said Botkin was under the influence of intoxicating liquor during nearly all of said term, and was also a frequenter of places where intoxicating liquors were sold in violation of law; and that it was a daily occurrence for said Botkin to have intoxicating liquors brought to his room for his use and consumption. It also charged that said Botkin, while at Garden City, in the summer of 1890, was drunk and disorderly; and that in Seward county, in 1889, he was engaged in gambling, and while so engaged was drinking heavily of intoxicating liquors.

Said petition also charged that Judge Botkin had caused two suits to be commenced against the mayor and councilmen of the city of Springfield, or some of them (one of which actions was civil and the other criminal), both

actions being commenced without any legal cause; that by means of these proceedings he had aided in the robbery of the city of Springfield of more than \$5,000, immediately after which both actions were dismissed; and it was also charged that Judge Botkin had illegally ordered the arrest and imprisonment of four citizens of the State, without any cause, and through malice and for oppression and revenge. This petition was signed by J. F. Van Voorhis, H. F. Thompson, C. L. Calvert, S. A. Klein, and W. E. Ralstin, all citizens of Springfield, and all Republicans, and was sworn to before the Clerk of the Supreme Court at Topeka by said W. E. Ralstin. It was this petition so signed and so verified that Mr. Webb presented to the House of Representatives. The other three petitions presented by Mr. Webb were as follows:

To the Honorable Senate and House of Representatives of the State of Kansas: We, the undersigned legal voters of the Thirty-second Judicial District of Kansas, would most respectfully represent, that by common report, which we believe to be true, Theodosius Botkin, judge of this judicial district, is incompetent, guilty of oppression in office, a gambler, a habitual drunkard, and is corrupt in office. We believe the above charges can be proven by abundant and undisputed evidence. We therefore pray your honorable bodies to remove him from office; and as in duty bound we will ever pray.

These petitions were severally indorsed as follows (see Impeachment Trial, p. 14, and House Jour. p. 305):

HOUSE PETITION No. 153.—Petition of W. H. Swartz and A. R. Kilgore, county commissioners, and 110 other legal voters of *Stevens county*, charging Theodosius Botkin, judge of the Thirty-second Judicial District, as incompetent, guilty of oppression in office, a gambler, a habitual drunkard, and corrupt in office, and praying that he be removed from office.

HOUSE PETITION No. 154.—Petition of W. E. Ralstin and 74 other legal voters of *Seward county*, charging Theodosius Botkin, judge of the Thirty-second Judicial District, as incompetent, guilty of oppression in office, a gambler, a habitual drunkard, and corrupt in office, and praying that he be removed from office.

HOUSE PETITION No. 155.—Petition of C. L. Mann and 30 other legal voters of *Grant county*, charging Theodosius Botkin, judge of the Thirty-second Judicial District, as incompetent, guilty of oppression in office, a gambler, a habitual drunkard, and corrupt in office, and praying that he be removed from office.

It will be noticed that three petitions were from different counties. Petition No. 153, from Stevens county, contained the following names:

W. H. Swartz, <i>Co. Com.</i>	J. L. Rouse.	S. E. Shue.
A. R. Kilgore, <i>Co. Com.</i>	J. E. Hunt.	A. F. Pitts.
A. M. Jines.	John Wilson.	W. Crawford.
F. N. Haseltine.	P. S. Neathery.	J. D. Crofard.
John M. Doan.	Wm. Bundy.	W. V. Crofard.
Asa R. Hackett.	O. W. Kirby.	A. C. Ball.
A. C. Hanison.	F. M. Harper.	T. J. Thornburgh.
J. M. Ladd.	Jacob Glickler.	F. A. Eichler.

J. M. Myers.	Alfred Harper.	J. C. McClay.
A. W. Welch.	W. F. Perkins.	Wesley Wirt.
E. Holloway.	Job Troggatte.	J. C. Genoud.
Wm. G. Little.	Joe P. Jackman.	Isaac Reynolds.
L. O. Church.	G. G. Clark.	T. H. Bottorff.
Samuel Church.	John W. Whelchel.	A. Thieme.
Sol. Church.	Sam. Montgomery.	Hensen Thieme.
Norton Hocket.	Jacob Liniger.	August Thieme.
Wesley Hockett.	Joseph Neer.	Herman Miller.
T. E. Hackett.	Samuel Campbell.	Sam'l Misgon.
John Moore.	Amos Greathouse.	Perry Carpenter.
C. H. Boles.	Fred. F. Clark.	Wm. M. Peck.
E. Dudley.	F. Plantz.	Joel Bennett.
L. L. Bannister.	W. W. Ramsey.	Wm. Hamilton.
J. A. Redpath.	J. W. Sutton.	J. C. Hamilton.
A. J. Hopper.	J. S. Lock.	Geo. Brown.
G. J. Ashworth.	Thomas W. Campbell.	Wm. Lowe.
C. H. Deshler.	B. F. French.	J. D. Guy.
A. A. Dunmire.	Pierce Trox.	Jacob Little.
J. D. Bolin.	T. T. Smith.	Perry Hurtsman.
J. D. Matthews.	Wm. H. Stoughton.	A. C. Morrell.
S. H. Marquis.	J. W. Williams.	C. R. Wright, J. P.
C. McShurley.	H. Riggle.	R. F. Furnas, M. D.
R. F. Furnas.	O. P. Bucklin.	Wm. Wells.
M. O. Groff.	Taylor Fox.	I. T. Rhodes.
Jno. B. Patrick.	J. P. Nugen.	E. P. Ludwick.
Geo. H. Byers.	M. Smith.	W. P. McClure.
Bert Adams.	C. W. Chapman.	C. S. Kilgore.
E. M. Watson.		

Petition No. 154, from Seward county, contained the following names of petitioners, all of whom resided in Seward county; those marked with a star (*) were witnesses before the Senate on the impeachment trial:

W. E. Ralstin.*	C. S. Anderson.	Charles Brial.
J. F. Van Voorhis.*	Alex. Templeton.	J. R. Lambert.
S. A. Klein.*	G. Tillbury.	Frank Garinger.
A. S. McKitrick.	J. J. Lench.	M. R. Conrad.
A. C. Benedict.	W. E. Ross.	W. L. Dexter.
J. A. L. Williams.*	Joseph Waggoner.*	Robert Haunum.
J. M. Mullet.	J. O. Haunum.	Henry Rodabaugh.
A. McCoyd.	William Tillbury.	J. M. Lowder.
C. L. Calvert.*	T. B. Russell.	C. W. Moore.
H. F. Thompson.*	C. H. Rhoades.	S. B. Foster.
Sam. C. Jones.	J. T. Boon.	John R. Garinger.
Sylvester Barb.	W. H. Cooper.	W. M. Milner.
Chas. C. Vane.	A. D. Lamberson.	Jas. M. Smith.
J. S. Conrad.	J. N. Orner.	Oliver Bennett.
J. M. Singer.	C. W. Robinson.	G. P. Leighton.*
Oscar F. Osten.	W. B. Orner.	O. H. Stafford.
Lewis P. Garinger.	A. T. Shahan.	A. L. Davis.*
J. R. Mahaffey.	F. L. Rhines.	C. P. Juvenal.

A. H. Saunders.	John Akin.	Zadok Bennett.
Will. R. Smith.	Wm. McKitrick.	S. H. Newton.
M. L. Trout.*	H. A. Saunders.	W. L. Robinson.
H. Glitsch.*	J. A. Wemple.*	Elsie Hedrick.
Rowan Chase.	N. L. Mathis.	Kinzer Rhewby.
Chas. Thomas.	H. C. Nelson.	Alvin Watson.
Wm. H. Minton.	G. B. Epps.	Henry Thele.

Petition No. 155 was signed by the following-named petitioners, all of whom resided in Grant county; those marked with a star (*) were witnesses before the Senate at the trial:

C. L. Mann.	C. H. Lowderman.	J. D. Taggart.
J. B. Moore.*	W. T. Sawyer.	J. H. Hardin.
D. S. Fleming.*	Samuel Gilmer.	T. S. Neely.
R. H. Martin.	M. S. Burson.	S. M. Wood.
Geo. W. Dobson.	C. H. North.	F. A. Davis.
C. A. Moore.	W. A. Heston.	E. C. Westfall.
Wm. McCall.	Wm. Trueblood.	J. N. Elwood.
C. McCall.	Clark Howell.	R. H. Elwood.
C. F. Blake.	John M. Kell.	A. F. Kitchen.
J. F. Rosel.	G. H. Kell.	C. P. Bowers.
G. A. Pearson.		

At a later date, namely, on February 13th, Mr. Jackson, of McPherson county, introduced "House Petition No. 183—Petition of W. H. Hussey, county clerk, C. W. Brewer, county superintendent, and 65 other legal voters of *Haskell county*, in the Thirty-second Judicial District, charging Theodosius Botkin, judge of said district, with being incompetent, guilty of oppression in office, a gambler, an habitual drunkard, and corruption in office, and praying for his removal from office." Said petition contained the following names—those marked *R.* are Republicans, those marked *D.* are Democrats, those marked *P. P.* are People's Party men, and those marked *U. L.* belong to the Union Labor party:

W. H. Hussey, county clerk, <i>R.</i>	S. McNeeley, probate judge, <i>P. P.</i>
C. W. Brewer, county supt., <i>R.</i>	A. F. Pierce, township trustee, <i>D.</i>
H. F. Millikan, register of deeds, <i>R.</i>	R. F. Kells, township trustee, <i>R.</i>
S. W. Snyder, township trustee, <i>R.</i>	S. Rhinehart, merchant, <i>R.</i>
W. V. Marshall, postmaster, <i>R.</i>	A. C. Miller, printer, <i>R.</i>
John J. Miller, editor, <i>R.</i>	M. O. Powers, book-keeper, <i>R.</i>
W. W. Rhinehart, <i>R.</i>	Benj. F. Moore, <i>R.</i>
N. D. Pierrepont, <i>R.</i>	W. D. Evans, <i>R.</i>
James K. Stanley, <i>R.</i>	James Armstrong, <i>R.</i>
H. C. Murphy, <i>R.</i>	Ab. Shacklett, <i>D.</i>
Will. Stanley, <i>R.</i>	T. Reeves, <i>R.</i>
George S. Wallace, <i>R.</i>	R. L. McConaughy, <i>R.</i>
J. Jobe, <i>R.</i>	L. D. Meredith, <i>R.</i>
S. L. Towell, <i>R.</i>	F. A. Burkhill, <i>R.</i>
A. Wright, <i>R.</i>	C. Imhoff, <i>D.</i>
	J. M. Pace, <i>D.</i>
	Levi Henthorn, <i>D.</i>
	H. Kite, <i>D.</i>
	David Rhine, <i>D.</i>
	James Counsell, <i>D.</i>
	James H. Moore, <i>D.</i>
	S. W. Anderson, <i>D.</i>
	E. G. Webb, <i>D.</i>
	A. R. Fields, <i>D.</i>

H. Cobb, *R.*
 Arthur Nofziger, *R.*
 S. G. Bishop, *R.*
 P. P. Pace, *R.*
 W. A. Kells, *R.*
 H. W. Day, *R.*
 Samuel Loy, *R.*
 J. M. Wingar, *R.*
 Ed. Russell, *R.*
 Janz M. Finder, *R.*

L. P. McNutt, *D.*
 E. M. McMahan, *D.*
 Chas. Harshman, *D.*
 Ed. Voer, *D.*
 C. E. Adrus, *D.*
 C. P. Nofziger, *D.*
 J. N. Shipley, *D.*
 R. Armstrong, *D.*
 Frank Payne, *D.*

*J. R. Fields, *D.*
 John Anderson, *D.*
 Zalmon Fenton, *D.*
 W. T. Willett, *U. L.*
 Reuben Davis, *U. L.*
 C. C. Leedom, *R.*
 J. E. Austin, *R.*
 L. J. Herser, *R.*
 Wm. Seelye, *R.*

Let it be observed, that out of the 67 names on this Haskell county petition 41 are Republicans, of whom six are public officers, and one an editor of a Republican newspaper, while there is only *one* People's Party man on the petition. On the Stevens, Seward and Grant county petitions there are not less than two Republicans to one of all other parties. So, instead of the proceedings against Judge Botkin being instituted by the "Alliance," or People's Party, they were originated by and among Republicans, and because of his unfitness for the office he held, and not for any political reason.

HOUSE PROCEEDINGS.—The petitions introduced by Mr. Webb having been read, and ordered printed, Mr. Doolittle, of Chase county, introduced the following concurrent resolution (see House Journal, p. 314):

Be it resolved by the House of Representatives, the Senate concurring, That a special committee of five on the part of the House and three on the part of the Senate be appointed to investigate the charges preferred by J. F. Van Voorhis and others against Theodosius Botkin, judge of the Thirty-second Judicial District, and report *by resolution* or otherwise as to the truthfulness of said charges, and that said committee have power to examine witnesses and send for persons and papers, and that they report the result of their investigation as early as possible.

Resolved further, That said committee be instructed to have served upon Judge Theo. Botkin a copy of said complaint, and that they notify him of the time and place of said investigation.

This resolution was a *concurrent resolution*, and looked to the removal of Judge Botkin by the summary proceeding authorized by section 15 of the judiciary article of our State constitution, which reads as follows:

"Justices of the Supreme Court and judges of the district courts may be removed from office by resolution of both houses, if two thirds of the members of each house concur; but no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard."

The complaint against Judge Botkin had been duly made under oath. It had been entered at length upon the journal of the House. Mr. Doolittle's resolution provided that Judge Botkin be notified of the complaint, and of the time and place when and where he would have opportunity to be heard. Why was not this simple remedy pursued? Why was not Mr. Doolittle's reso-

Intion as copied above adopted? The answer will be found in the unwritten history of that day. The official journals of the proceedings of the Legislature do not furnish the reason. But within an hour from the time Mr. Doolittle's resolution was introduced and read, the House lobby was filled with Senators and their allies, suggesting most impressively, and with a show of great interest, that "Mr. Doolittle's resolution *wouldn't do*; that *the Senate* could not take any action on *that* resolution, because the Senate would have to sit *as a court of impeachment* to try Judge Botkin, and, like a jury, the Senate must be impartial." That this was the position then taken, is admitted by Mr. Hackney, the principal attorney for Judge Botkin, in his argument before the Senate during the trial. Mr. Hackney (Impeachment Trial, page 1289), in arraigning the People's Party in the House, said:

"And before such a House as this, controlled by Sam. Wood and Elder, reeking with the infamy piled up by their conduct, these men came and presented their charges against Judge Botkin. . . . *It was found that a resolution removing Judge Botkin, would not do—it was not legal.* Then a committee was appointed," etc.

Half a dozen or more Senators, and several employés of the Senate, and some outsiders even, were conspicuously officious in informing members of the House, within two hours after the Doolittle resolution was first read, that "that resolution would not do." Why was this kind of talk urged upon the House? Because, in addition to the removal by concurrent resolution already mentioned, and which was contemplated by the Doolittle resolution, removal by impeachment and trial is also provided for. Sections 27 and 28, of the legislative article of the State constitution, are as follows:

"SEC. 27. The House of Representatives shall have the sole power to impeach. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

"SEC. 28. The Governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office, and disqualification to hold any office of profit, honor or trust under this constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment, and punishment according to law."

It is true that when the House proceeds by impeachment, under these provisions, the Senate is not called upon to act until the House, as such, adopts articles of impeachment and sends them to the Senate to try; and in such case it is eminently proper that Senators should withhold any opinions until they have heard the case. But there is no greater reason for proceeding by *impeachment* against the judges of our courts than by *resolution*. The remedies are equally open, and equally adequate. Sometimes, as in Botkin's case, it would be the speedier, and therefore the better and cheaper remedy

to proceed by concurrent resolution. So thought Mr. Doolittle. But when a lot of pigmy statesmen, who had already assumed a superiority which they never possessed, either in virtue of their higher office, or as representatives of the people, or of native ability, and who, finding themselves already condemned by the people, and likely to be very soon retired to private life, saw an opportunity to sit and exhibit themselves two or three months longer as a "High Court of Impeachment," they made rapid haste to inform the members of the House of Representatives that "the Doolittle resolution was wrong," and would "embarrass the Senate as a court of impeachment," if it should pass. Members of the House consulted, and very soon took in the situation. They saw that if a "concurrent resolution" was sent to the Senate, that that body would promptly mount its highest stilts and refuse to take action, alleging that it "would not comport with its dignity as a court of impeachment," either to adopt or reject the resolution. But the House believed that some definite action was necessary; so, on the 7th of February (House Jour. page 343, and Impeachment Trial, page 15), Mr. Doolittle called up House concurrent resolution No. 24, and moved to amend the same so as to make it a House resolution, instead of concurrent resolution, and so as to read as follows:

Be it resolved by the House of Representatives, That a special committee of five, on the part of the House, be appointed to investigate the charges preferred by J. F. Van Voorhis and others against Theodosius Botkin, judge of the Thirty-second Judicial District, and report, by resolution or otherwise, as to the truthfulness of said charges; that said committee have the power to examine witnesses, and send for persons and papers, and that they report the result of their investigation as early as possible.

Resolved further, That said committee be instructed to have served upon Judge Theo. Botkin a copy of said complaint, and that they notify him of the time and place of said investigation.

The amendments were agreed to, and the resolution was then adopted; and subsequently the Speaker appointed the committee provided for. Some changes in the committee were made—two members originally appointed declining to serve. The committee, as finally appointed, were Representatives A. N. Whittington, of Lincoln; Francis M. Stahl, of Shawnee; J. B. Coons, of Miami; W. H. Mitchell, of Reno, and Geo. H. Coulson, of Harper.

REPORT OF SPECIAL COMMITTEE.—On the 27th of February the special committee appointed to investigate charges against Judge Botkin reported as follows—House Journal, page 728; Impeachment Trial, page 16:

To the House of Representatives: The special committee appointed under and by virtue of House resolution, adopted February 7, 1891, to investigate the charges preferred by J. F. Van Voorhis, H. F. Thompson, C. L. Calvert, S. A. Klein, and W. A. Ralstin, against Theodosius Botkin, judge of the Thirty-second Judicial District, respectfully herewith submit their report.

Your committee notified Judge Botkin of the time and place of said investi-

gation, and appointed R. A. Henderson their stenographer, and on Tuesday, February 17th, proceeded to examine the witnesses and reduce to writing the testimony taken, which accompanies this report. Twenty-five witnesses were examined on behalf of the complainants. The committee also attach to the testimony an affidavit made by S. N. Wheeler, of Grand Junction, Colorado, formerly a resident of Johnson City, in the Thirty-second Judicial District; also, the affidavits of Frank Hall, A. R. Knapp and Fred. Friar, of Leoti, Wichita county.

Respondent furnished the committee with a list of 304 witnesses, which he asked to have subpoenaed at the expense of the State, at a cost of twenty-five to thirty thousand dollars. No statement was made to the committee as to what the respondent desired to establish by these witnesses. Inasmuch as only *twenty five* witnesses had been examined on behalf of the complainants, the committee determined to permit the respondent to have subpoenaed, at the expense of the State, *thirty* witnesses (being a greater number than that allowed the complainants), and Judge Botkin and his attorneys were so informed by the committee; but they refused to have any of the witnesses subpoenaed unless they could get all they asked for. No evidence was introduced on behalf of Judge Botkin. The witnesses examined on behalf of complainants were lawyers, merchants and professional persons, and city and county officials, from the Thirty-second Judicial District, and impressed the committee with the truthfulness of their testimony.

From the evidence taken, the committee unanimously find that the charges made by the complainants against judge Botkin are true. Judge Botkin was appointed judge of the Thirty-second Judicial District in the spring of 1889, and at the general election in the fall of that year was elected for the term of four years, commencing on the second Monday in January, 1890. The evidence shows clearly and beyond a doubt, that Judge Botkin is an habitual user of intoxicating liquors to an excess; that ever since his election, up to and including last month, he was repeatedly intoxicated throughout his district, during the terms of court, and in several instances was so far overcome by this vile habit as to have been intoxicated while on the bench; that he has been guilty of oppressive and malicious abuse of his judicial authority, arbitrarily imprisoning persons throughout the district without any shadow of law or authority; that he has been guilty of willful and malicious partiality, corruption, misconduct and abuse of authority, in his official capacity, and under color of his office.

Your committee deem it but due to the people of the Thirty-second Judicial District, and the good name of the State of Kansas, that this House should take the necessary and proper steps to remove him from office, that the judicial ermine may be maintained unsullied in its pristine purity.

So believing, your committee have, after a calm, careful and considerate review of the testimony, unanimously agreed to recommend to this House the adoption of the following resolution:

Resolved, That Theodosius Botkin, judge of the Thirty-second Judicial District, be impeached of high misdemeanors in office.

Your committee also beg leave to submit the accompanying articles of impeachment, and recommend their adoption.

A. N. WHITTINGTON,
FRANCIS M. STAHL,
J. B. COONS,
W. H. MITCHELL,
GEO. H. COULSON, .

Committee

ARTICLES OF IMPEACHMENT.—The articles of impeachment reported by the special committee are very long. They will be found in the House Journal, pages 730 to 740, and in the Impeachment Trial, pages 18 to 28, and again on pages 31 to 42. The resolution reported by the committee—"that Theodosius Botkin, judge of the Thirty-second Judicial District, be impeached of high misdemeanors in office"—and the articles of impeachment were adopted, none voting in the negative. (House Jour. p. 740; Impeachment Trial, p. 28.) A Board of Managers was also authorized by the House, and appointed by the Speaker. (House Jour, pp. 740 and 746; Impeachment Trial, p. 29.) The board thus appointed consisted of Representatives Whittington, of Lincoln, Mitchell, of Reno, Coulson, of Harper, Webb, of Shawnee, and Coons, of Miami.

It is not necessary that the articles of impeachment be set forth here in full. What the specific charges in fact were, will plainly appear in the following pages. There were ten separate articles, with numerous specifications.

IN THE SENATE.—The articles of impeachment were duly presented to the Senate on the 3d of March, 1891. (Impeachment Trial, pp. 31 to 42; Senate Jour. pp. 594 to 605.) Thereupon the Senate organized as a court of impeachment, adopted rules of procedure, and adjourned until April 20th, having first fixed that day for the commencement of the trial. (Impeachment Trial, pp. 45 to 53.)

On the 20th of April the Senate met as a court of impeachment. Of the 39 Senators remaining, (Senator Wilson having resigned since the adjournment in March,) 31 were present. The eight absentees were Senators Buchan, Carroll of Leavenworth, Carroll of Miami, Howard, Kirkpatrick, Martin, Norton, and Woodward.

Attorney General Ives, the Board of Managers appointed by the House of Representatives, and Messrs. Geo. L. Douglass, of Wichita, and A. M. Mackey, of Topeka, were present, representing the State. Judge Botkin, the respondent, and his counsel, Messrs. S. B. Bradford, of Topeka, Thomas S. Haun, of Pittsburg, Lewis Hanback, of Osborn, John H. Pitzer, of Arkalon, and Wm. E. Hutchison, of Ulysses, were also present.

If any act or proceeding on the part of the Board of Managers be material from any political standpoint, it may be stated here, that the two attorneys (Messrs. Douglass and Mackey) employed by the board to assist the Attorney General were Republicans; and it is also a significant fact, that the only lawyer on the Board of Managers was Judge Webb, a Republican, and that to him was committed the management of the case so far as its legal features were under the control of the board.

Respecting counsel for Judge Botkin, a most novel feature appears in the record of his trial. The preliminary proceedings show that Judge Botkin was duly notified by the House of the memorials or petitions presented against

him, and of the appointment of a committee. The House Journal and the report of the committee (already set forth in full on preceding pages of this review), show that Judge Botkin appeared before the House committee in person and by attorneys. We quote from that report as follows:

"Respondent furnished the committee with a list of 304 witnesses, which he asked to have subpoenaed at the expense of the State, at a cost of twenty-five to thirty thousand dollars. No statement was made to the committee as to what the respondent desired to establish by these witnesses. Inasmuch as only 25 witnesses had been examined on behalf of the complainants, the committee determined to permit the respondent to have subpoenaed, at the expense of the State, 30 witnesses, and Judge Botkin and his attorneys were so informed by the committee; but they refused to have any of the witnesses subpoenaed unless they could get all they asked for."

The record of the trial, at page 56, shows that Judge Botkin appeared and announced to the Senate, on the 20th of April, that he was there represented by counsel, namely, Messrs. Bradford, Haun, Hanback, Pitzer, and Hutchison. These were the same five attorneys who represented him before the House committee. Yet, on the 21st of April—the day after he had appeared and filed a demurrer to the articles of impeachment (which demurrer is signed by his five attorneys)—Judge Botkin presented to the court a remarkable document. (Impeachment Trial, pp. 64–67.) This document consists mainly in an arraignment of the House and the House committee for alleged unfairness, and is a most lugubrious presentation of his own pecuniary embarrassments. He admits that he employed attorneys to appear for him before the House committee, and that he had opportunity to bring 30 witnesses before that committee in his defense. He closes with the following appeal:

"Your respondent would represent, . . . that he is absolutely unable to employ counsel, and to pay his own personal expenses and make his defense before this honorable high court of impeachment. He therefore asks that this honorable high court of impeachment make to him *an allowance for his personal expenses* during this trial, *and appoint attorneys to conduct his defense*, and to defray such necessary expenses as in the judgement of this honorable high court may seem just and proper."

Practically nothing was done that day except to discuss this peculiar document submitted by Judge Botkin. The debate was exclusively "senatorial," none of the counsel on either side having a word to say. The next day (Impeachment Trial, page 72) Senator Gillett introduced the following preamble and resolution, which were adopted:

"WHEREAS, It has been shown by the respondent, the Hon. Theodosius Botkin, that he is without funds for the employment of counsel, and desires to appear before the Senate as a court of impeachment represented by counsel: therefore, be it

"*Resolved*, That Hon. S. B. Bradford, Hon. Lewis Hanback, T. S. Haun, J. H. Pitzer and W. E. Hutchison be and they are *hereby assigned and appointed by*

the Senate as such court, as counsel for the respondent, to appear and defend for him."

Judge Botkin had already appeared by counsel; he had already employed counsel. The Senate had no right, power or authority to appoint any counsel for anyone. It did not and could not bind the State to pay for counsel employed by the respondent. But this singular proceeding suggests two things worth remembering: the ready sympathy and prompt assistance of this Republican Senate to a fellow-Republican, and a purpose to give the semblance of authority to enormous claims which those same attorneys will surely present to the next Legislature for payment. Let the people beware who they send to Topeka to open the doors of the treasury for any such purpose.

A QUORUM.—Perhaps the question, what constitutes a quorum of the Senate when sitting as a court of impeachment, may not be very material for the purpose of this review of the impeachment trial. But it may be properly stated as throwing some light upon the conduct of the Senate as a body, and of individual Senators, that notwithstanding their over-anxiety in February to sit as a "high court," yet when it came to the discharge of that duty many of them seemed to care very little about the law governing the organization of the Senate, or the merits of the case. Respecting a quorum, there was a diversity of opinion. For *legislative* purposes, the State constitution (sec. 8, art. 2) fixes a "quorum" as being "a *majority*" of all the members elect—that is, as the Senate is now constituted, not less than 21 members. For the purpose of removing any judge or State officer by trial and conviction, (on impeachment by the House,) there must be a "concurrence of two-thirds of the Senators elected." (Const., art. 2, sec. 27.) So, with a Senate of 40 members, it requires at least 27 to convict; and less than that number of Senators cannot constitute a quorum when sitting as a court of impeachment.

This view of the case was early presented to the Senate. Judge Botkin having demurred to the articles of impeachment, the question of a quorum became at once a most important matter. On the 22d of April (page 73, Impeachment Trial), the question was raised by Attorney General Ives. We quote:

THE ATTORNEY GENERAL: Preliminary to proceeding with the argument of this demurrer, I wish, as the representative of the State, to say, that it occurs to me that it would be better to settle the question of how many members of this Senate shall compose the court. It is important at this time, because, as I regard this demurrer, all the questions involved in this case may be settled upon this demurrer. . . . And I do not feel, as a representative of the State, that it is proper for us to proceed with even a hearing of the argument upon this demurrer, until a call of the Senate is made, and absentees brought in, unless they have been excused. The matter stands before this court now exactly as it would stand upon a plea of guilty. The demurrer confesses every charge made in the articles of impeachment. . . . Supposing, Mr.

President, that after the argument of this demurrer a vote was taken, and the demurrer not sustained, and that the respondent refused to plead over, but stood upon the demurrer: unless there was a vote of twenty-seven members of this court refusing to sustain that demurrer, how could judgment of any kind be entered upon the proceedings? Where would be the necessity for introducing any evidence, and of putting this State to the expense of attempting to prove the charges that stand confessed by this demurrer? . . .

SENATOR FORNEY: I understand that Senator Osborn introduced a resolution to decide that question, and I think with the Attorney General, that it ought to be decided at this time. . . . I move you, Mr. President, that we take up this resolution at this time.

Senator Forney's motion was lost—yeas 13, nays 16; absent, 10. At a later day (April 30), upon a roll-call, it appeared that only 25 Senators were present, of whom only 21 had voted. (Impeachment Trial, pp. 88 and 89.) The following is shown:

THE ATTORNEY GENERAL: Mr. President, I must protest against the quorum present. Only 25 Senators are present. It is a very grave question with me whether the State will be justified in going on, and entailing the expense of taking testimony, with a less number of Senators in this court than would be necessary to convict, if there was a unanimous vote. . . . I submit, that in fairness to the State, and to the people of the State who have the bills to pay, that this question of a quorum is a serious one. I submit that it would not be fair to the State to proceed with less than a constitutional majority of two-thirds of the members present; . . . and the State has a right to at least have a proper number of the members of the court present that could pass judgment in favor of the State during all of these proceedings.

After some little discussion, the Senate adjourned. But the question came up again. On Saturday, the 2d of May, there were at roll-call only 18 Senators present. (During the session six more came in, and the journal shows 24 present.) Senator Gillett offered a new rule, to stand as rule 17, as follows:

"RULE 17. It shall require the presence of twenty-seven Senators at every sitting for the court to constitute a quorum for the transaction of business, and no Senator shall be permitted to be absent from the sessions of the court without leave, which must be granted by the court. Absence of a Senator from the sessions of the court without leave shall be deemed a contempt of court, and may be punished by such fine as the court may impose." . . .

After this rule was read, a motion was made to adjourn until Monday.

MR. MANAGER WEBB: I do not rise to discuss this motion. It is not within my province, nor of the Board of Managers to do so; but I wish to say this in the absence of the Attorney General, that he has very frequently expressed his opinions to the Board of Managers, and sometimes here, that it is his desire (and I speak for the board, that it is its desire also) that the Senate, during the hearing of the proceedings in this trial, shall have a *constitutional quorum*, which would enable it to make final judgment satisfactory to itself and to the State.

The Senate adjourned until Monday, when Senator Gillett's new rule 17 was taken up. On motion to adopt the rule, the following occurred:

SENATOR SCHILLING: I am opposed to the rule on general principles; that is all I have to say.

SENATOR KIMBALL: I cannot see what right this Senate has to adopt a rule which is contrary to the provisions of the constitution. The constitution says that a majority of the members-elect of this Senate shall constitute a quorum; and this rule provides that it shall take twenty-seven. Now I know there is a difference of opinion upon this subject, and I have already said in this Senate what I desire to say, or all that I could say, in discussing this question; and I therefore do not intend to take up the time of the Senate in repeating it. . . .

SENATOR GILLETT: I have canvassed the reasons given by the Senator from Labette, and I had convinced myself of their correctness, and discharged the matter from my mind. Upon a review of the subject, when it was brought up for discussion, it was urged by lawyers in whom I have a great deal of confidence, that where the constitution provides for a certain number necessary to convict upon an information, that it impliedly presumes that such a number would listen to the evidence in the case, for the purpose of settling in their minds as to whether or not they ought to convict. I find these reasons presented, not only by strong lawyers, but others occupying positions upon the bench. . . .

SENATOR ELLISTON: Mr. President, I look upon this matter as of vital importance. I have listened attentively, with a desire to be convinced, to the Senator from Labette, and given the weight they deserve to the reasons which he urged in support of his position; but the more I consider it, the more thoroughly I am persuaded that they are fallacious. He insists that twenty-one is a quorum for this proceeding, because twenty-one would be a quorum for the transaction of ordinary legislative business; but it seems to me that the reasons at the foundation are entirely different. . . . There is no material matter that we can dispose of except by the vote of twenty-seven members, and it seems to me that a court of less than twenty-seven members is not a court for the transaction of this business.

SENATOR LONG: I shall vote against this resolution. . . . I am in full accord with the ideas expressed by the Senator from Labette, because I believe they are warranted by the constitution, which provides that the Senate shall not consist of more than forty members. Another provision provides that a majority of the members elected shall constitute a quorum. It is simply a mathematical calculation; and ought this record to show that twenty-one members do not constitute a quorum? . . .

SENATOR FORNEY: It seems to me, Mr. President, no more reasonable rule has been proposed for the government of this court than the one now under consideration. It seems to me that it would be a strange condition of affairs when a Senator is sworn to discharge the duties of his office as Senator, if there were no means by which his attendance could be compelled, when the people call upon him to sit in a court of impeachment. It seems also to me to be necessary that twenty-seven members should hear this testimony. That is my understanding of the constitution. . . .

SENATOR MURDOCK: It seems to me that there is some logic as well as law

in this suggestion: this is the Senate of the State of Kansas, and twenty-one is a quorum of this body.

SENATOR KIMBALL: I move to strike out "twenty-seven" and insert "twenty-one."

SENATOR KELLY of McPherson: I believe the constitution requires, upon the final vote, there be twenty-seven votes, or two-thirds of the members elected voting, for a conviction. That being the case, I do not see the logic of the proposition to require twenty-one or twenty-seven, or any other number less than the Senators holding their places to-day as the Senate of Kansas. . . .

SENATOR OSBORN: I move to refer the resolution to the Committee on Judiciary, with instructions to report a rule providing for absentee Senators, and leave out all reference to the subject of a quorum.

SENATOR SCHILLING: I arise to a point of order. There is no Judiciary Committee present to whom to refer that resolution.

THE PRESIDENT: The members of the Judiciary Committee have not lost their existence or power.

Senator Osborn's motion was finally amended so as to read, that rule 17 prepared by Senator Gillett be referred "to the Committee on Judiciary, with instructions to report a rule providing for the attendance of absentee Senators, the committee to report to-morrow morning," and as so amended it was adopted; yeas 16; nays 10.

THE ATTORNEY GENERAL: The roll-call shows that there are but 26 Senators present, and if the Senate insists that we must go on, I want it on the record that we go on under the protest of the State, until there is a sufficient number at least to act upon this matter, provided it was submitted to them for final vote at the present time. . . . The State is paying the expenses of this entertainment at present, and it is entitled to the service of the Senators, or members of this Senate who have taken their oaths to sit as members of this court.

These remarks of the Attorney General gave rise to one of several exhibitions of senatorial smartness, which will be found in the record. We quote:

SENATOR BENTLEY: I would like to propound one question to the Attorney General, if he will permit me. Is the *chairman* of the Board of Managers present?

To this very little and contemptible objection interposed by Senator Bentley, the Attorney General well said—that "the State and the Board of Managers are ready to proceed; that this is a civil action, and the State and the Board of Managers are represented by counsel; that the respondent is also represented by counsel, and it is not necessary that the respondent, nor the entire Board of Managers, should be present; but that the State is not ready to proceed unless there is such a court here as would result in the final determination of this case one way or the other." And Senator Kimball realized the exact measure of Senator Bentley's smartness, and he supplemented the Attorney General's remarks:

SENATOR KIMBALL: I think it is conceded on the part of the Senate that it

is not necessary that there should be any member of the Board of Managers present, if they don't desire to be here. They have employed counsel to represent them, and that's all that is necessary.

SENATOR BUCHAN: I desire to offer this resolution:

"Resolved, That twenty one Senators shall constitute a quorum for all the purposes of this trial, except upon the final vote."

Senator Harkness moved that this resolution be referred to the Judiciary Committee, which motion was adopted. Now what is here compressed in about four pages occupies, with other like arguments, seventeen pages of the Impeachment Trial — pages 483 to 499 inclusive — and consumed one whole day and part of another day. And it will be seen that the Senate refused to settle the question of a "quorum" at all — that it referred two propositions on that subject to the Judiciary Committee. At page 527 that committee reported a substitute for Senator Gillett's "Rule 17," but the substitute was silent as to a "quorum."

One good result came, however, from the persistent efforts of the Attorney General to secure a "constitutional quorum." During the last twelve days of the trial 28 or more Senators appeared and answered, except on one day, and on the last day there were 35 present. Senator Martin did not attend at all during the trial; and be it said to his credit that he neither asked nor received any pay. Out of the 24 days that the Senate was in actual session as a court, Senator Buchan was absent 17 days, yet he claimed and took pay for 23 days. Senator Kirkpatrick was present only 3 out of the 24 days the court was in actual session, yet he claimed and took pay for 19 days. Senator Johnson was present 7 days, but he neither claimed nor received pay for any part of the time. These four Senators, Buchan, Johnson, Kirkpatrick, and Martin, were not present and did not vote on any of the articles of impeachment.

DEMURRER TO THE ARTICLES.—Lawyers tell us that a "demurrer" is an admission of all *the facts* alleged in the paper or document demurred to, but is a claim nevertheless that such admitted facts are not sufficient in law to warrant a judgment against the party demurring. Judge Botkin filed a formal demurrer to the articles or charges adopted by the House of Representatives. (Impeachment Trial, p. 57.) It will be proper at this point to give a brief abstract of the articles of impeachment, that it may be seen what facts Judge Botkin *admits by* his demurrer:

The 1st article charges, that Theodosius Botkin, while occupying the official position as judge of the Thirty-second Judicial District, unmindful of the high duties of his office and the dignity and proprieties thereof, has been repeatedly intoxicated in public places throughout said judicial district, to the manifest scandal of the administration of justice, by means whereof he has brought his high office as judge into contempt, ridicule, and disgrace, to the great scandal of all good citizens, whereby said Botkin was guilty of high misdemeanors in office; and said article specifies dates and places where

Judge Botkin was drunk, as follows: At Springfield, in Seward county, in April, July, October, and November, 1890; at Santa Fé, in Haskell county, in May, July, November, and December, 1890; at Ulysses, in Grant county, in April, 1890; and at Richfield, in Morton county, in February, 1890.]

Article 2d charges, that Judge Botkin, while engaged in holding court throughout his said district as required by law, and during the times of holding the same, has been repeatedly intoxicated and under the influence of intoxicating liquors, by means whereof he has brought his high office as judge as aforesaid into contempt, ridicule, and disgrace, etc., whereby the said Botkin, judge as aforesaid, was guilty of high misdemeanors in office; and said article specifies the terms of court during which Judge Botkin was drunk, as follows: In Seward county, the terms held in January, March, and September, 1890, and the term held in January, 1891; in Haskell county, the terms held in May and November, 1890; in Grant county, the terms held in April and December, 1890; and in Stanton county the terms held in May and December, 1890.

Article 3d charges, that Judge Botkin, "while engaged in holding court, and while sitting on the bench as judge, has been repeatedly intoxicated, and under the influence of intoxicating liquors," by means whereof he has brought his high office as judge into contempt, ridicule, and disgrace, etc., whereby said Theodosius Botkin, judge as aforesaid, was guilty of high misdemeanors in office; and specifications of times and places are stated, as follows: In Seward county, at the June term, 1890; in Grant county, at the April term, 1890; in Haskell county, at the November term, 1890; and in Stanton county at the May term, 1890.

Article 4th charges, that said Botkin, while judge of the Thirty-second Judicial District, on the 29th of August, 1890, on the streets and in public places in the city of Leoti, in Wichita county, was drunk and under the influence of intoxicating liquors, and was engaged in a drunken and boisterous quarrel on said streets, and was then and there disorderly, by means whereof the said Botkin has brought his high office as judge into contempt and ridicule and disgrace, and whereby he was guilty of high misdemeanors in office.

The 5th article charges, that said Botkin, judge as aforesaid, unmindful of the duties of his office and the dignity and proprieties thereof, and notwithstanding his duty to enforce the laws to prohibit the sale of intoxicating liquors in this State except for medical, scientific and mechanical purposes, has, during his said term of office, knowingly and willfully frequented places within and throughout his said judicial district where intoxicating liquors were sold in violation of law; whereby said Botkin was guilty of high misdemeanors in office; and numerous specifications of times and places are set forth under this article.

Article 6th charges, that said Botkin, at sundry specified times and places within his judicial district, and during his said term of office, has knowingly, willfully and illegally bought intoxicating liquors from persons selling the same in violation of law, and has thereby knowingly and willfully encouraged the violation of law.

Article 7th charges, that said Botkin has, since and during his said term of office, been an habitual user of intoxicating liquors to such an excess as to incapacitate him for a clear-minded discharge of his said judicial functions, by means whereof he has brought his high office as judge as aforesaid into

contempt, ridicule, and disgrace, etc., and whereby the said Botkin, judge as aforesaid, was guilty of a high misdemeanor in office.

Article 8th charges, that said Theodosius Botkin, judge as aforesaid, unmindful of the duties of his office, and the dignity and proprieties thereof, did, at the city of Springfield, in his said district, in January, 1891, while in a drug store where intoxicating liquors were sold in violation of law, curse and swear in a blasphemous manner, and say in the presence of others that "God Almighty was a God-damned fool," by means whereof he brought his high office into contempt, and ridicule, and disgrace, to the great scandal of all good citizens, and whereby the said Botkin, judge as aforesaid, was guilty of a high misdemeanor in office.

The 9th article charges, that said Theodosius Botkin, judge as aforesaid, has willfully, maliciously, oppressively, partially and illegally exercised the functions of his said judicial office of his own mere will, and out of favor or enmity, to the oppression of suitors and others, and the manifest scandal and danger of the administration of justice, and to the great scandal of all good citizens, whereby he was guilty of high misdemeanors in office.

There were four specifications under this charge. The *first* was for "illegally issuing a fictitious and fraudulent" for the arrest of some party for a "fictitious offense," and for the purpose of carrying out some private and unlawful scheme; but no evidence was offered in its support at the trial.

The *second* specification was, that at the December term of the Grant district court, Judge Botkin ordered the official stenographer of his court to strike from the record an "exception," which had been taken by the defendant in a criminal case to a ruling made by the court.

The *third* specification charged Judge Botkin with having illegally and maliciously caused the arrest and imprisonment of J. F. Van Voorhis and John R. Garrison, on the 7th of January, 1891, as for a contempt of court, upon the false charge that Garrison and Van Voorhis were "circulating certain scurrilous papers against this court and against the judge of this court, and are accusing the judge of this court of being incompetent, and of being a drunkard, and of being a robber, a thief, a boodler, and an aider and abettor of robbers and thieves."

The *fourth* specification charged that Judge Botkin, on the 13th of January, 1891, caused the arrest and imprisonment, on the charge of "contempt of court," of H. F. Thompson and C. L. Calvert, upon an affidavit made by his (Botkin's) direction, and which affidavit was knowingly false and untrue.

The 10th article charged that "said Theodosius Botkin, judge as aforesaid, has willfully, corruptly, partially, oppressively and illegally exercised the functions of his judicial office, and abused his authority therein of his own mere will, out of favor or enmity, to the oppression of suitors and the manifest scandal and great danger of the administration of justice, and to the great scandal of all good citizens, whereby the said Botkin was guilty of high misdemeanors in office;" and under this charge it is specifically alleged that Judge Botkin knowingly aided in the robbery of the city of Springfield, Seward county. The series of illegal and oppressive acts, and acts of usurpation, alleged in said 10th article, are not separately stated; but the specific illegal acts and acts of usurpation charged will be fully stated in the subsequent pages, when reference is made to the evidence.

Judge Botkin's demurrer, admitting all that is charged against him in the articles and specifications, was as follows:

Now comes Theodosius Botkin, the respondent herein, and reserving the right to further answer thereto, *demurs to the said articles of impeachment*, and each and every of them, on the following grounds, to wit:

First: That the facts stated in said articles do not constitute a misdemeanor in office.

Second: That the said articles, and each and every of them, fail to charge this respondent with a misdemeanor in office.

Third: That in and by said articles, and each and every of them, this respondent is not charged with any offense or matter constituting a misdemeanor in office for which he can be held to answer by and before this court.

Fourth: That the statements and charges set forth in the said articles of impeachment, and each and every of them, are not stated with sufficient distinctness and certainty to enable or require this respondent to answer the same.

Wherefore, this respondent prays judgment, and that he may be discharged from said premises in said articles specified.

THEODOSIUS BOTKIN, *Respondent*.

Here is the explicit admission that every fact alleged and stated in said articles of impeachment is true, and it will be readily seen that the demand by the Attorney General and Board of Managers, that there should be a constitutional quorum present in order to properly determine the case, was in the interest of law and of substantial justice. Whether the unusual practice on the part of the Senate of entertaining this "demurrer" was or was not a proper proceeding, need not be considered now. The Senate did entertain the demurrer, and five days of time were consumed in discussing and considering the questions of law, and 195 pages of the record are filled with the arguments submitted by the attorneys and Senators. (Impeachment Trial, pages 71 to 265.) It may be profitable to briefly mention the points raised and discussed.

Mr. Haun, one of Judge Botkin's attorneys, made the first argument in support of the demurrer. His contentions were, first, that the clause in section 28 of article two of the constitution, (already quoted in full,) which reads: "The Governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office," meant and means, that the offense charged must be a "misdemeanor" punishable by law, and must have been committed in the discharge or pretended discharge of *official duties*; second, that proceedings by impeachment and trial are in the nature of *criminal* actions, and that, tested by the strict rules applicable to criminal causes, the articles of impeachment were indefinite and uncertain, and did not sufficiently charge any offense; and third, that as the removal of district judges was provided for by section 15 of the *judiciary* article, (also hereinbefore quoted in full,) proceedings by "impeachment" against a district judge are

not authorized in any case. Mr. Haun made an elaborate argument in support of their position.

Mr. Haun was followed by Gen. S. B. Bradford, on the same side. Among other propositions submitted by him, General Bradford said:

"There are two ways provided in the constitution for the removal of a judge; and why two? I think it is important to determine for ourselves why there are two modes of disposing of a judge provided for. Now, in the first place, that provision of the constitution to which your attention has been called, which is article 2, section 28, says, 'The Governor and all other officers under this constitution shall be subject to impeachment.' The makers of the constitution evidently had in mind that these officers of the State should be impeached for crimes and misdemeanors *committed in office*, which affect the administration of justice, and which had an effect upon the official acts of the individual who was sought to be impeached. It has for its object the correction of evils which grow out of mal-administration—of crimes committed in the discharge of an official duty. . . . We must conclude that the impeachment must be for a *crime committed, which is a crime under the criminal statutes of the State*. He cannot be impeached for simply overt acts as an *individual*. He cannot be impeached for misconduct as an individual upon the common streets of a city or town, or in any place in the State of Kansas."

General Bradford also argued, as did Mr. Haun, that an impeachable misdemeanor was a "crime" punishable under the laws of the State, and he also contended that in the articles (or several of them) "there is a vagueness and indefiniteness that does not apprise the accused of what he is charged, by what witnesses he is expected to disprove the charge, where it occurred, or whether it occurred in his judicial district, or in the State of Kansas, and it fails utterly to state a cause of action against this respondent."

Mr. Douglass, of counsel for the Board of Managers, maintained that the articles of impeachment were sufficient, and contended that the demurrer should be overruled. Among other things, he said:

"The House of Representatives has charged Judge Botkin, respondent in this case, with certain offenses. They have charged him with being, *while a judge in office*, publicly drunk in many places in his district. They have charged him with being drunk during the time of holding court. They have charged him with being drunk, (or, what is synonymous according to all authorities, *intoxicated*,) while acting as judge on the bench. They have charged him with frequenting places where liquor is sold in violation of law; with knowingly purchasing liquor in places where it was illegally sold. They have charged him with oppressive use of the powers of office; with the oppressive use of the power to punish for contempt. They have charged him with blasphemy. They have charged him with using the power of his office to rob the treasury of the little town of Springfield. They have charged him with all these, and some other offenses; and by his demurrer he says (for the purposes of this argument at least,) 'I am guilty of all I am charged with, but conceding that this is true, I have committed no offense for which I can be impeached.' We are therefore confronted by some of the most important questions that have ever confronted a court in this commonwealth since its

organization. When the roll is called upon the question of whether this demurrer will be sustained or overruled, as to each one of these charges, every Senator here must place himself on record as saying whether or not in his judgment these various offenses enumerated, whatever they may be, do or do not constitute an impeachable offense under the laws and constitution of this State; and that decision becomes a part, not only of the history of the State, but a part of the history of each member of this court. . . .

"What is a misdemeanor in office? Why, a misdemeanor committed by a man at a time when he is in office, as distinguished from a misdemeanor committed at a time when he is not in office. . . .

"Now, I want to ask the court to consider for a moment, when is a judge *in office*? Or rather, *when is he not in office*? Is there a lawyer here, or a member of this Senate, who does not know that at any hour of the day or night a judge may be called upon to exercise some of the functions of a judge, under our constitution and our statutes? He is in office from the hour he is sworn in until the hour his successor qualifies and is sworn in. . . .

"There have been a number of judges impeached in this country, and I may as well mention here some of the most important of these cases: Judge Addison, in Pennsylvania, was impeached and convicted for a non-indictable offense; Judge Pickering, a Federal judge, was impeached and convicted for a non-indictable offense; Judge Prescott, probate judge in Massachusetts, was impeached for a non-indictable offense, and was convicted; Judge Cox, of Minnesota, was impeached for an offense claimed to have been non-indictable, and was convicted; Judge Chase, an Associate Justice of the Supreme Court of the United States, was impeached for an offense claimed to be not indictable, but was not convicted, although a majority of the Senators favored conviction; Judge Hubbell, of Wisconsin, was impeached for misconduct in office, but was acquitted by a divided court; Judge Page, in Minnesota, was impeached for an offense claimed to be non-indictable; (he was tried on the merits and was acquitted, although a majority was against him;) Judge Peck, Federal judge, was impeached, was tried before the Senate, and acquitted; and Judge Barnard was impeached in New York for misconduct in office and was convicted. That is a list of the leading cases in this country wherein judges have been tried in impeachment proceedings for misconduct, either personal or official."

Mr. Douglass took up the several articles charging Judge Botkin with grave and corrupt offenses, and acts of gross personal and official indecency, and discussed them at length. He closed as follows:

"It devolves upon this court, in the determination of the questions arising on this demurrer, to fix for all future time the standard of judicial behavior, judicial integrity, and judicial honor in the great State of Kansas. If you say that that judge has been guilty of the things charged in this proceeding, and is yet not impeachable; if you say these things do not constitute a misdemeanor under the constitution; if you say that he can drag his judicial ermine in the mud, as charged; if you say that he can be guilty of blasphemy; if you say he can be guilty of aiding and abetting the constant violation of the law, and conniving at and aiding in the plunder of a city treasury, as he is charged with doing, you set up a standard of judicial honor and judicial morality in this State that must redound to the injury of the commonwealth, and to the injury of every man, woman and child within its

borders. . . . No offense is small in a judicial officer; and I hope it will be the determination, as it is now the high privilege, of this court to set for future generations a standard in these matters that, instead of lowering the tone of public sentiment, will raise it up; that, instead of encouraging vice, will encourage virtue. . . . This, it seems to me, is the duty which this Senate, in pronouncing upon this demurrer, owes not less to the law than to itself and to the people of Kansas."

Attorney General Ives followed Mr. Douglass on the part of the State, and presented the same general views of the law. In regard to the fourth article, which charged Judge Botkin with drunkenness and debauchery at Leoti, in a county outside of his district, Attorney General Ives said:

"Article four charges him with being intoxicated and engaged in a drunken and boisterous quarrel on the streets of Leoti, and this court can take judicial notice that Wichita county is not within his judicial district. The question is, Was that a misdemeanor in office? If it was only *Theodosius Botkin* that was at Leoti that day, drunk and boisterous on the street, where was *the judge of the Thirty-second Judicial District*? Was there a vacancy in that office at that time? Was not Theodosius Botkin, upon the streets of Leoti at that time, as much judge of the Thirty-second Judicial District as he was when at his home in Springfield? If in that boisterous quarrel upon the streets of Leoti there had been an affray, and Theodosius Botkin had been killed, would it not have created a vacancy in the judgeship of the 32d Judicial District? . . .

"I do not believe that the members of this court will say to the public and to the world that Kansas is a whited sepulchre—beautiful on the outside, but inwardly full of festering corruption, and dishonest and corrupt officials. I say that at this time the people of this State, through their representatives, should meet this emergency, and should say to the world that they consider drunkenness in public places, drunkenness upon the bench, blasphemy, oppression and cruelty in the exercise of the duties of office, are not such trivial matters as shall not render him unfit to hold the high office of judge of the district court."

Mr. Webb, of the Board of Managers, closed the argument on the part of the State against the demurrer. (Impeachment Trial, pages 191 to 230.) Mr. Webb had scarcely begun his argument when Judge Botkin's counsel withdrew the demurrer to the *8th article*—the article charging gross blasphemy. The strong and vigorous arguments presented by Mr. Douglass and General Ives were more than Judge Botkin could stand respecting the charge of blasphemy and impiety, and he made haste to stand from under.

Mr. Webb discussed at length the import or meaning of the phrase, "misdemeanor in office," tracing it from its first appearance in connection with impeachment proceedings in the constitution of Pennsylvania in 1790, down through various State constitutions. Neither the full phrase nor the words "in office" occur in the constitution of the United States relating to impeachments, and, hence, are not discussed either by Story or Kent, nor by the United States Senate in the impeachment trials occurring before that tribunal. Mr. Webb quoted the language or phraseology of the several State constitu-

tions, showing a great diversity in expression as to grounds or causes for which impeachment would lie, and that in some States care had been taken to define impeachable offenses in such manner that the question raised by Judge Botkin's counsel on the demurrer could not arise there. But several other States besides Pennsylvania, Ohio and Kansas employed the same words—"for any misdemeanor in office"—without any qualifying words or terms. We quote from Mr. Webb's argument:

"In the light of the changes themselves, and the facts surrounding at the time, I maintain, that the word 'misdemeanor,' in the phrase, 'for any *misdemeanor* in office,' was intended to be used in its common-law sense, and embraces 'all immoral acts which tend to the prejudice of a community,' whether punishable by fine or imprisonment or not, and includes not only those crimes and misdemeanors which are specifically defined and denounced by statute, but every public act calculated to disturb the public peace, or to offend public decency, or the dignity, credit or honor of the State, including drunkenness, blasphemy, obscenity, and any conduct and speech calculated to bring any high public official into contempt and disgrace before the people, and his office into disrepute. . . . And the words 'in office,' mean *while in office*, and *not* after the expiration of the officer's term, or after his resignation or removal; and these words 'in office' also plainly indicate that 'misdemeanors' of any character, committed by an impeachable officer *while in office*, are impeachable offenses."

Mr. Webb discussed the articles of impeachment at length, contending that each article and each specification set forth or stated an offense for which impeachment and removal from office would lie under the constitution of Kansas. We quote further from Mr. Webb's argument:

"By the demurrer of the respondent, all that is set forth in these articles (except the eighth, as to which the demurrer was withdrawn) is admitted to be true. A more solemn duty never was devolved by the law upon any human tribunal than that devolved upon this court by the constitution and laws, in settling and determining the effect of the articles of impeachment, as put to the severest test by the demurrer which has been interposed by the respondent. It is for this court to say whether or not the acts of malfeasance, and mal administration, acts of personal misconduct, those connected with no official duty, but yet committed within the term for which the respondent was elected, constitute offenses under the constitution of this State for which he may be removed upon impeachment.

"Mr. President, this is a government of law, not of men. While constitutions and laws do not administer and execute themselves—while natural persons, selected for their supposed qualifications and fitness as to morality, decency, good behavior, and proper learning, are chosen by the people to execute the laws enacted for their protection—nevertheless, it is *the law* that governs, and no man is above the law. The law may lay its hand upon any officer of this State, from the chief magistrate to any township officer within our borders. If it were a government of men, we would likely see many acts of the grossest character on the part of public officers, acts constituting both personal and official misconduct, and we would see the State itself endangered by being brought into disrespect and disgrace, and the law itself would be

found wholly inadequate for the purposes for which it was made. We would see persons deprived of their legal rights; we would see innocent persons imprisoned; we would see men deprived of their property without due process of law; and unless this court in this case shall, by its decision upon this demurrer, say that the offenses charged in the articles of impeachment against the respondent do constitute impeachable offenses for which he may be removed from office upon sufficient proof, then I undertake to say that our government fails to accomplish the purposes for which it was designed."

SENATOR KELLEY of Crawford: I would like to ask one question. Counsel for the respondent claimed that these specifications are not definite enough. I do not remember of hearing Judge Webb refer to that, and I would like to have his opinion in regard to it.

MR. WEBB: I was not unmindful of the fact that the learned counsel who opened the argument on the part of the respondent consumed considerable time in giving us his views, and in citing authorities supposed to support his views upon the proposition, that these articles and specifications were too indefinite and uncertain. But the plan of the argument upon the part of the Board of Managers and the State, as I stated at the outset, naturally took that branch away from my consideration. I had thought it was sufficiently discussed by the learned counsel who represents the Board of Managers, who made the opening argument on our side of the case; but if not, in response to the question propounded by the Senator from Crawford, I have this to say: The changes in procedure taken upon impeachments made in this country an hundred years ago, in all those States where there has not been prescribed any punishment except removal from office, and especially in those States where in addition to the provision prescribing punishment by removal and disqualification alone, it is expressly declared that the accused party, whether acquitted or convicted, shall be nevertheless subject to indictment, trial and punishment according to law, the character and quality of impeachment proceedings are changed from the *strict rules* governing criminal actions to the *liberal rules* which obtain and control in civil actions. . . . All that was read from Wharton's *Precedents of Indictments* was and is, in my judgment, without any kind of appropriate application to anything in this case. And why? Proceedings upon impeachment *are in their nature civil*. All that is wanted is to designate the person, the office to which he was elected and holds, the time he entered upon it, the nature and character of the acts, and when committed—showing that they were committed within the term for which he was elected, and while holding office—and that in their nature and character they constitute a "misdemeanor," as that word is understood in common and general parlance; and when that is said, any articles of impeachment are complete and sufficient under the laws of this State, or any other State having similar laws. . . . In my judgment there is not one of these articles that is not full and complete in certainty and in definiteness—not one which does not fully advise and inform the respondent of the nature and character of the charge preferred against him by the House of Representatives. They tell him when and where the offense was supposed to have been committed by him. What more does he want? He comes in here by his demurrer and says: "All that is true; I was drunk seventeen times in my district; I was drunk four times upon the bench; I was drunk ten times while the courts in my district were in session, and while I was in the county

towns for the purpose of holding court. I am a habitual drunkard." And he says—

SENATOR SCHILLING: I apprehend the Senator from Crawford has undoubtedly been satisfactorily answered, and I call "time."

Mr. Hanback closed the discussion on the demurrer for Judge Botkin. His argument was characteristic of the whole defense. Here are a few extracts from it:

"It is twenty years or more since I first met the respondent, Judge Theodosius Botkin, and I venture to say this much, that during all that time, of long, long years of acquaintance, I never saw him in any other than a true-hearted, noble exemplification of manly manhood. If I could draw aside the curtain of the years I would show him a boy at the plow, his music the song of birds and the lowing of herds, steadily moving onward and upward in the scale; a soldier for his country; aye, a compeer of noble men; and afterward filling offices of high trust in this State, until brought by the people, and by the votes of the people, to the high place he now fills. . . .

"This is a court from the people. The voice of the House commanding, as it did under the constitution, the attention of this body, received that just attention its call demanded. It came here by its managers, chosen by its will, to prefer charges against an officer of the State. What charges were preferred? What crimes are alleged to have been committed? You have them before you here, as they have been rung in your ears; and I stand here tonight to say that there is no charge made there which justifies the deliberate attention of this body. I say that the respondent at the bar is entitled to be shown what has been exhibited against him, and the charges upon which he is to answer, and that the offense must be clearly stated. The proposition is simply this: that you can make a shot-gun charge of this thing; that you can ram down in the chambers a set of charges, and fire them off, and pick up the pieces and hold them together before this body as a charge upon which you have to have a trial. I deny that proposition. . . . The constitution says in so many words, that "the Governor and all other officers under this constitution may be impeached for any misdemeanor in office." What does it mean when it says misdemeanors? Does it mean something that we know not of—something that existed two hundred years ago? Does it mean any charge that may be brought by a pack of hounds that follows the trail after humanity sometimes? . . .

"Can it be said for a minute, can it be maintained that the first charge made here, and all that follows in the specifications, shows any cause for ex-amination here? This demurrer was interposed against the express objection of Theodosius Botkin. He is poor; he is poverty-stricken; he stands here without a dollar, as he has shown to you. His attorneys are poor, and we are all in the same pocket; and we agreed that it would be better for him to exercise his constitutional right of objecting to the sufficiency of the indictment. I want to say that I do not come here confessing that he is a drunkard in the gutter; . . . but when the opening charge in this series of charges is made, that he 'has been repeatedly intoxicated in public places throughout the judicial district, to the manifest scandal of the administration of justice,' . . . I say that the charge is not such that should commend it to the judgment of this court. But outside of that, I say that even though it be specific enough in its terms, it is a charge, not that Theodosius Botkin

sitting as a judge, not of Botkin as the officer of the law, but of Botkin as the citizen; and I assume as part of the defense in this case, that in order to constitute the offense as contemplated by law which would warrant the impeachment and trial before the court of impeachment, the offense must have been committed by the judge in his *official capacity*. I assume that it was not, and it is not, the intention of the law to come upon the citizen who happens to be occupying an official place, for a supposed offense, or upon a charge of an act committed by him while he was not engaged as a public officer, but in the private walks of life as a citizen. . . . I submit to you the true rule to be, that he is a judge when exercising the prerogatives of his office; that he is responsible for the fair determination of the rights of parties that come before him according to his judgment; that he is not to be held responsible for errors innocently committed."

The arguments on the part of the State and of Judge Botkin having been concluded, Senators proceeded to consider and determine the demurrer, which was *overruled* on the 28th of April. In the light of the vote given on the 22d of May, after hearing the testimony, the opinions expressed by some of the Senators on the demurrer are worth remembering; (Impeachment Trial, pages 239 to 265):

SENATOR MOHLER: . . . I do not wish anything I may say to be construed into an expression of an opinion as to the guilt or innocence of the accused of any charge preferred against him. If I should vote here on the question of sustaining or overruling this demurrer, I should record my vote in favor of overruling it—overruling it as to each and every charge, and each and every specification. My reasons for that are these: It is not this Board of Managers that presents these charges. It is not any prosecutor from the western part of the State, or the Thirty-second Judicial District, that prefers these charges. These charges are preferred under the constitution of the State, by a coördinate branch of the Legislature of the State of Kansas, of equal power and of equal dignity as the Senate. . . .

Much fault has been found with the indefiniteness of some of the charges. . . . The constitution expressly provides that the accused [in a criminal case in the district court] shall be informed of the nature and character of the offense in the manner prescribed, and be informed of the nature and cause of the accusation, so as to give the party an opportunity to make his defense thereto. But we have no such rules with reference to the court of impeachment. . . . We must not look so much to the charge as to the evidence adduced under the charge. I do not know what the evidence would be in this case, and I do not care. I am clearly of the opinion that before this man can be convicted he must be proven guilty of a misdemeanor in office. By "misdemeanor in office," I mean an act committed by him *in his official capacity*; in other words, that anything he may do while off the bench he does as an individual and not as a judge. . . .

Then again, all impeachments shall be tried by the Senate. I take this view, that it is the House of Representatives, and that house alone, that is to judge of the sufficiency of the articles of impeachment; that when it, a coördinate branch of the Legislature, approves the articles which it sends here, it is not within our power to challenge their sufficiency. We must hear the evidence and decide, and we must acquit or convict the man if the evidence sustains it.

To a layman this reasoning of Senator Mohler seems contradictory. These "charges," made by articles of impeachment, ought to be sufficient in form and substance to show on their face that a "misdemeanor in office" had been committed. If they do not so show, there is nothing for the Senate to "try." Six, if not seven, of the ten articles of impeachment against Judge Botkin charge him with offenses committed "while off the bench," and therefore, according to Senator Mohler, they do not charge "impeachable offenses;" and yet Senator Mohler "would vote in favor of *overruling* the demurrer as to each and every charge and specification"—and thus force the State, at great expense, to present its evidence to prove what (no matter how plainly established) would still be *unimpeachable* offenses. But Senator Mohler did not vote at all on the demurrer. Other Senators expressed themselves as follows:

SENATOR BENTLEY: My judgment is, that a demurrer in a case of this kind is not proper practice. The demurrer simply means, in this case, a motion to strike out or quash, and that is its effect. With that view of the case, I am in favor of striking out all of articles four, five, and six, and overruling the demurrer of respondent as to the other articles. . . .

"From the argument of respondent's counsel, Judge Botkin in his district is portrayed as playing a dual role. When on the bench he was a court; when he left the bench and went to supper he was an individual, and no longer a court. Hence, they argue that if he became intoxicated off the bench, that he cannot be held to answer in this court of impeachment. I am unable to draw the line between the individual and the judge. I am unable to see where the judge leaves off and the citizen begins. . . . My theory is, that when a judge is inducted into office, and takes the oath of office, he continues to be a judge until his successor is elected and qualified. He is sworn to support the constitution of the United States, and of the State of Kansas. He must not violate the constitution of this State; if he does, he is liable to impeachment. . . . For the purposes of this demurrer, the charges, articles, and specifications thereunder are to be taken as true, as stated. Upon this theory, a district judge, guilty of being intoxicated on many occasions as charged, is unfit to continue in office and to discharge the exalted functions of that office; . . . and I cannot afford to go down upon this record as an advocate of the doctrine that a man in this State, who holds the high office of judge of the district court in any of the judicial districts of this State, can descend to the level of a common drunkard, debaucher, and brawler, and not be answerable to the people in a court of this character. I feel that my vote cast upon the other side of this question would do an injustice and would misrepresent the sentiment of the people of my district, who are law abiding, orderly, and intelligent to the highest degree. If the district judge of my judicial district had been guilty of one-tenth of the misconduct attributed to Judge Botkin, and which is for the purposes of this plea admitted as being true, instead of being upon the bench he would now be in the jail of Sedgwick county. . . .

"I am unable to draw any fine line of distinction between the court and the individual. On the bench, or off, Judge Botkin was to my mind always judge of the Thirty-second Judicial District of Kansas. Believing this to be the case, I shall vote to overrule the demurrer to all of the articles except those which I have enumerated."

And yet, although every charge preferred against Judge Botkin had been proven by overwhelming testimony, Senator Bentley, from personal and partisan considerations, goes upon the record finally as voting "not guilty" on every article.

SENATOR BERRY: I believe this court has the undoubted right to entertain and sustain the demurrer as to such articles as do not charge the respondent with a "misdemeanor in office," as contemplated by section 27, article 2, of the constitution. A "misdemeanor in office" need not be a misdemeanor under the statute. Many offenses made misdemeanors by statute could have no possible connection with or effect upon the discharge of the duties of a public officer. . . . Assault, and being intoxicated, are made misdemeanors under the statutes, yet an officer could be guilty of these and still honestly and conscientiously discharge every function of his office *with conspicuous ability*. Numerous instances of this fact have come within the knowledge of every observer. It is my opinion, therefore, that by "misdemeanor in office" in the constitution, its framers meant such official acts or misconduct as injuriously affected or incapacitated an officer in the discharge of his duties. . . . Holding these views, I am fully convinced that articles 1, 2, 4, 5 and 6 do not charge the respondent with "misdemeanor in office." . . . Articles 3, 7, 9 and 10 plainly charge the respondent with official misconduct and mal administration of office. The charge that he was drunk upon the bench while sitting as judge; that he has been an habitual user of intoxicating liquors to such an excess as to incapacitate him for a clear-minded discharge of his judicial functions; that he willfully, maliciously, oppressively, partially and illegally exercised the functions of his judicial office, and abused his authority therein, to the oppression of suitors and others, certainly constitute "misdemeanors in office" of the gravest character. I therefore vote to overrule the demurrer as to the last articles named, and put the respondent on his trial for the offenses charged therein.

And yet Senator Berry, like Senator Bentley, with evidence sufficient to support all the articles which he conceded to be good, went back on his clear convictions of right and duty, as stated above, and voted "not guilty" as to them all.

SENATOR CARROLL of Miami: Mr. President, I have known the respondent personally for fifteen years. He has been my neighbor and friend. He is an old soldier, and all my sympathies are in his favor; but as a member of this court, acting under the solemn obligation of my oath, I am required to decide this question according to the law of the case as I understand it. I cannot consent to the proposition, that a judge of the district court of Kansas can become repeatedly intoxicated in the streets and public places in the various cities of his district, and not commit an offense which would render him liable to impeachment. . . .

SENATOR ELLISTON: . . . Misdemeanor, as employed, means misconduct, misbehavior, and includes everything from the highest felony to the lowest offense against good morals and decency, calculated to forfeit confidence or respect; and so elastic as to be adjustable to the public estimate of these qualities at all periods. "In office" must mean, during incumbency of or while in office; otherwise, it forces us to say "misdemeanor"

only means felony, or concede that the phrase abrogates the remainder of the section. . . . I am convinced that each article, indeed each specification of the first four articles, states a technical misdemeanor. I am further persuaded that each and every article discloses such misconduct as must deprive the judge of that measure of public respect and confidence indispensable to the proper and satisfactory discharge of his official duties, and therefore must vote to overrule the demurrer as to each and all articles.

SENATOR EMERY: I am of the opinion that a district judge should not be impeached and removed from office for light and trivial causes. I cannot agree that every misdemeanor committed by him as an individual, and having no connection with the duties of his office, is an impeachable offense, but think that for such offense he must be punished by the laws applicable to all citizens. Yet the administration of justice demands that he at all times hold himself in readiness to administer the law fairly and impartially, and with dignity and propriety. Article one charges the respondent with being repeatedly intoxicated in public places throughout his district. The ten specifications locate the times and places where intoxicated and under the influence of intoxicating liquors. *Whether the intoxication charged affected his ability to properly perform his duties, depends upon the degree of intoxication;* and the charges, in my judgment, may or may not state an offense, owing to the degree of intoxication. I am therefore constrained to vote to overrule the demurrer.

Here is another evidence of pigmy statesmanship, and let it be remembered that Senator Emery yielded to the political pressure and voted "not guilty," when the evidence of Judge Botkin's guilt was beyond a shadow of doubt.

SENATOR FORNEY: Under our constitution, the House of Representative has the exclusive prerogative to prepare and present articles of impeachment. The Senate, after the articles are filed, should hear the testimony offered by the Board of Managers on the part of the House, and after a full hearing decide as to whether the evidence is sufficient to convict the respondent of the offenses charged. I do not believe that the strict rules of pleading in criminal cases in our courts should be held necessary in presenting articles of impeachment. . . . The meaning of the phrase "in office," as used in our constitution, in that part thereof defining the crimes for which an officer may be impeached, simply means, while the incumbent is discharging the duties of the office; or, in other words, from the time the officer is elected and qualified till his successor is elected and qualified. . . . The phrase "*in office*" has been added to the definition of impeachable offenses, to distinguish between the American and English idea of impeachment. In England a private citizen could be impeached, and an officer could be impeached for acts committed before he was elected or appointed to the office. In the United States, where the authority to impeach an officer for high crimes is defined, our earliest constitution-makers, not being in sympathy with that idea, limited the crimes for which an officer can be impeached to acts committed while *an officer*. I believe that a judge of the district court can be impeached for crimes committed outside of his judicial district. . . .

SENATOR GILLET: I cannot yield my assent to the doctrine that impeachment will lie for an alleged offense which is not indictable, and which is not charged to have in any way affected the administration of official duty. There

is, in my judgment, only one forum where individual habits and questions of moral or immoral practices, not affecting the discharge of official duties, may be tried, and that is at the ballot-box of the district selecting the officer. . .

SENATOR HARKNESS: We are a constitutional tribunal solely, bound by no law, either statute or common, which may limit our constitutional prerogative, save, perhaps, the precedents established by parliamentary bodies. We are a law unto ourselves, bound only by the natural principles of equity and justice, and that *salus populi suprema est lex*. In my opinion, the weight of authority is to the effect that there is scarcely any limit to the offenses for which impeachment will lie, provided there is involved in the commission thereof moral turpitude, or public scandal or disgrace. Impeachable offenses are as various as the abuses of office, and as ramified as scandalous misconduct can go. Impeachment is designed to remove unfit persons from office. I am further of the opinion that the words "in office," as used in the constitution, fairly interpreted, should be construed as meaning "during the incumbent's term of office," and not simply, "while engaged in the discharge of his official duties." The latter interpretation would, to a great extent, nullify the impeachment section of our constitution.

No clearer statement of the law was made by any Senator than that stated by Senator Harkness; but he entertained the opinion that articles five and six did not state impeachable offenses, and voted to sustain the demurrer as to those articles, and to overrule it as to the other articles. Senator Hays regarded it as the duty of the Senate to hear the evidence, and voted to overrule the demurrer as to all the articles. Senator Lockard said that he could not "vote to put the respondent on his trial upon any charge that he would not vote to convict on if proven;" that the words "in office," meant that "no official can be impeached except for crimes and misdemeanors, or misconduct, while performing some of the functions of his office." He therefore voted to sustain the demurrer as to articles one, two, four, five, and six, and overrule it as to articles three, seven, nine, and ten.

SENATOR LONG: . . . I believe the term "in office" means "while in office," and that an officer may be impeached for acts committed while in office, though they be not indictable, and not done in an official capacity. The commission of any act, though not immediately connected with the execution of his office, which disqualifies, and renders him incapable of performing the duties of an office requiring dignity, confidence, ability, and integrity, may reasonably be construed to be a misdemeanor in office. . . . I vote to overrule the demurrer as to each and every article.

SENATOR MECHEM: I desire that my explanation shall go to the entire articles of impeachment. The difficulty that we are met with on this demurrer arises from a section of the constitution, which provides that judges of the district court may be impeached for misdemeanors in office. It seems to me very clear, that the word "misdemeanor" should be taken, not as it is understood in the criminal statute, as an offense less than felony, but in its broader and popular sense, meaning misconduct. . . . The greatest difficulty, however, is upon the two words, "in office." Does it apply to offenses committed while in office, or does it apply to offenses with reference purely to official

conduct? Impeachment is defined as an accusation; a charge. It is the citation before a tribunal for *official misconduct*. Now then, if a judge can be impeached for any misdemeanor while in office, the court of impeachment resolves itself into a criminal court for the punishment of crimes under the statute. Such, clearly, was never the intention of the framers of our constitution. . . .

SENATOR WRIGHT: . . . I vote to sustain the demurrer to articles 1, 2, 4, 5, and 6 of the impeachment, for the following reasons: In articles 1 and 2 the charge is made that Judge Botkin was intoxicated upon the streets of certain towns in his judicial district, but it is not charged or claimed that the rights of any one were abridged in any way, or interfered with in the least. In article 4 it is charged that he was drunk and under the influence of intoxicating liquor. This is charged to have occurred outside of his judicial district, and he certainly was not acting in an official capacity at that time. In article 5 the respondent is charged with visiting drug stores and other places where intoxicating liquors were sold unlawfully. Article 6 charges him with having "illegally bought intoxicating liquors from persons selling the same in violation of law." It does not appear from the charges and specifications, that he committed any of these acts *in an official capacity*. . . .

The vote was taken on each article, whether the "demurrer" thereto should be sustained. The following will sufficiently designate the vote of each Senator:

Article 1. Yeas, Senators Berry, Gillett, Howard, Kimball, Lockard, Mechem, Roe, Schilling, and Wright—9. Nays, 23. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 2. Yeas, Senators Berry, Gillett, Howard, Kelley of Crawford, Lockard, Mechem, Norton, Roe, Schilling, and Wright—10. Nays, 22. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 3. Yeas, none. Nays, 32. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 4. Yeas, Senators Bentley, Berry, Carroll of Leavenworth, Carroll of Miami, Emery, Gillett, Howard, Kelly of McPherson, Lockard, Mechem, Moody, Murdock, Norton, Rankin, Richter, Roe, Schilling, Senior, and Wright—19. Nays, 13. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 5. Yeas, Senators Bentley, Berry, Carroll of Leavenworth, Emery, Gillett, Harkness, Howard, Kelley of Crawford, Kelly of McPherson, Kimball, Lockard, Mechem, Moody, Murdock, Norton, Richter, Schilling, Senior, Tucker, Wheeler, and Wright—22. Nays, 10. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 6. Yeas, Senators Bentley, Berry, Carroll of Leavenworth, Emery, Gillett, Harkness, Howard, Kelley of Crawford, Kelly of McPherson, Kimball, Lockard, Mechem, Moody, Murdock, Norton, Richter, Roe, Schilling, Senior, Wheeler, and Wright—21. Nays, 11. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 7. Yeas, none. Nays, 32. Absent, Senators Buchan, Kirkpatrick, Johnson, McTaggart, Martin, Mohler, and Rush—7.

Article 8. Demurrer withdrawn; no vote.

Article 9. Yeas, none. Nays, 32. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

Article 10. Yeas, none. Nays, 32. Absent, Senators Buchan, Johnson, Kirkpatrick, McTaggart, Martin, Mohler, and Rush—7.

This vote shows that the "demurrer" was sustained as to the 4th, 5th, and 6th articles, and overruled as to all the others.

BOTKIN'S ANSWER.—The overruling of the demurrer to the 1st, 2d, 3d, 7th, 9th and 10th articles, and the demurrer being withdrawn as to the 8th article, Judge Botkin filed his answer, pleading that he was "*not guilty* of the said supposed high crimes and misdemeanors in office, or any of them laid to his charge, in the manner and form as the honorable the House of Representatives have in and by the said charges complained against him." (Impeachment Trial, p. 272.)

THE TESTIMONY.—Upon the issue joined by the respondent's plea, the testimony was taken. The Board of Managers called and examined 50 witnesses on the part of the State, in support of the articles of impeachment, and also offered the records of the district court of Seward county respecting the charges set forth in the 9th and 10th articles, and the records of the city of Springfield respecting some of the matters alleged in the 10th article. Judge Botkin called and examined in his defense 64 witnesses out of 98 subpoenaed by him. The testimony occupies over 800 pages of the official report of the trial, pretty near evenly divided between the State and the respondent. It is impossible to either state or condense this testimony within the compass allowed for this chapter.

MR. WM. P. HACKNEY APPEARS.—An important feature in this impeachment trial was the appearance of Mr. Wm. P. Hackney, of Cowley county. The Senate met as a court on the 20th of April. Judge Botkin appeared with his five attorneys, Messrs. Bradford, Haun, Hanback, Hutchison, and Pitzer. The next day Judge Botkin announced in writing that he was "absolutely unable to employ counsel," etc., and the Senate made the absurd and void order of appointing for him the same five attorneys who had already been announced and entered as attorneys for Judge Botkin. The demurer had been filed, argued by Judge Botkin's attorneys, and after decision thereon the taking of testimony commenced on April 29th. Five witnesses had testified, and had been cross-examined by General Bradford, counsel for Judge Botkin, and the sixth witness was being examined, when on April 30th (record p. 362) the following occurred:

MR. BRADFORD: Mr. President, I ask that the name of the Hon. W. P. Hackney be recorded as representing the respondent, and he will proceed to examine this witness on cross-examination.

The Senate voted to grant this request, and Mr. Wm. P. Hackney forthwith

took charge of Judge Botkin's defense; and from that time to the taking of the final vote was in the fore-front, managing the defense before the Senate, and working for Botkin's acquittal in every possible way. Mr. Hackney is the person to whom \$4,000 of the \$5,250, of which the city of Springfield was robbed, was paid. He is the man who was recommended to members of the city council by Judge Botkin (Impeachment Trial, p. 464) in the following terms:

"Whatever Hackney tells the boys to do, go ahead and do it, for he won't lead you into any trouble."

This was said on the morning on which the council-meeting was held, and voted Hackney \$4,000, which Botkin ordered his receiver to pay, and which was paid that same night—and for which Hackney never did an hour's work. Why was Hackney's presence before the Senate rendered necessary after the court had been in session ten days, and not before? What were those five attorneys, first employed by Botkin, and afterward appointed by the Senate to guard and protect his interest, doing? What influences were required to mould that partisan Senate so as to secure Botkin's acquittal? Mr. Hackney had been frequently a member of the House and also of the Senate. He was a loud-mouthed and noisy Republican. He had done a great deal of that kind of political work which is supposed to place ambitious men "under obligations." As a noisy howler and political worker he was a man to be courted on the one hand, and to be feared on the other. Again, he was a party to the robbery of the city of Springfield, and whether he kept all the swag that came to his hands, or divided it with Botkin, the trial and conviction of Botkin for that robbery was the trial and conviction of Hackney as well. So he came—to make a defense for Botkin and himself. His conspicuous management of that defense, and his idea of making it according to the needs of the Hackney-Botkin combination, appears in the fact that after his arrival on the scene he cross-examined 39 out of 45 witnesses called by the State, and examined in chief 60 out of the 64 witnesses called for the defense, and not being satisfied with the defense so far made, he offered himself as a witness, and testified for Botkin and himself with reference to the Springfield robbery transaction. Never was a more desperate defense made, nor more desperate means used to shield an unworthy and disgraceful public officer, and to gloss over wicked, corrupt, and illegal acts, than is shown in the Botkin trial.

FACTS PROVEN.—A large number of witnesses—public officers, attorneys, business men, farmers, and others having business upon the courts held in Judge Botkin's district—testified that they had seen Judge Botkin drunk in the year 1890, and January, 1891. Among those who so testified were the following: T. W. Marshall, county attorney, F. B. Brown, county superinten-

dent, J. B. Moore, farmer, S. M. Alexander, register of deeds, D. S. Fleming, Rev. A. Ewen, and H. N. Wixon, merchant, all of Grant county; Alvin Campbell and Milton Brown, attorneys, of Garden City; Dr. J. A. L. Williams and Dr. J. H. B. Adams, former residents of the city of Springfield; T. B. Reeve and A. L. Davis, farmers, of Seward county; H. F. Millikan, register of deeds, John C. Buster, sheriff, J. R. Field, farmer, and John J. Miller, publisher of the *Santa Fé Monitor*, all of Haskell county; I. N. Bunting, editor, and S. N. Wheeler, attorney, formerly of Morton county; J. A. Wemple, W. E. Ralstin, H. F. Thompson, editor, S. A. Klein, postmaster and merchant, Marcus L. Trout, justice of the peace, J. F. Van Voorhis, chairman of Republican county central committee, W. S. Allen, carpenter and machinist, and Joseph Waggoner, mayor, all of the city of Springfield; P. P. Hillerman, attorney, G. G. Leighton, Henry Shortman, and E. M. Murray, ex-city councilmen, and John W. Tice, all former residents of the city of Springfield; J. K. Beauchamp, county attorney of Seward county; T. E. Dempsey, attorney of Greensburg; Wm. C. Montgomery, member of council of Johnson City, Stanton county; and Samuel N. Wood, editor of the *Woodsdale Sentinel*, Stevens county. All the above-named persons testified that they *had seen Judge Botkin drunk*, some of them many times, and each fixed the time and place. Several other witnesses, among them L. C. Cash and J. W. Maddox, testified to having seen Judge Botkin drink whisky on several occasions.

That Judge Botkin was either drunk, or the most dangerous man who ever sat on the bench, is shown by the testimony of several witnesses. The record of his trial shows that at the January term, 1890, of the Seward district court, held in Springfield, one E. M. Moon was on trial upon the criminal charge of cattle stealing; that during the trial Botkin and Moon were frequently seen drinking whisky together, and that Moon was seen to be treating some of the jurors impaneled in his case. A few questions and answers from the testimony of T. B. Reeve (page 319) are worthy of note:

Q. State if you saw the Judge and Moon drinking together at any time during that day. A. I did.

Q. Just state all the circumstances connected with it. A. I saw them [Moon and Botkin] behind the court-house. Moon says, "We'll have something to drink if we chip in;" and I chipped in, and he went and got what I suppose to be a quart, and we went behind the court-house. I took the first drink, and then Moon and the Judge drank the balance.

Q. A quart of what? A. A quart of whisky.

Q. What time was this? A. This was when they adjourned for noon.

Q. State whether Moon's trial was in progress then. A. It was.

Q. Did you drink any more whisky with him? A. Yes, sir; Moon says, "That is not enough, we must have some more;" and he went and got what I suppose to be a pint; it looked about that size. And they drank it.

Q. Did you see the Judge and Moon together any more during that day? A. Yes, sir; after court adjourned for supper,

Q. Where did you see them? A. We were around the drug store.

Q. What conversation did you hear at noon? A. Why, Moon, says he, "I am afraid of some of them jurymen, Judge." The Judge said, "You needn't be uneasy about that—I am judge of this district, Moon; you are all right."

And here is what J. R. Fields, another witness, who was present at the Moon trial, says. First stating that he had seen Judge Botkin drink whisky at that January term, and during the pendency of the Moon trial, he then testified (pages 554 and 555) as follows:

Q. State what took place. A. Well, sir, we went round behind the court-room, and Mr. Moon had a bottle of liquor in his pocket, and he took it out and reached it out to the Judge, and the Judge took a drink out of it and handed it back to Mr. Moon, and Moon passed it over to me.

Q. Was there any conversation between Judge Botkin and Mr. Moon? A. There was, sir. . . . Well, Ed. Moon said to Judge Botkin, he said, "Judge, what do you think the jury will do with me?" And the Judge replied, "It doesn't make a damned bit of difference what the jury does, I will clear you anyway."

Q. Was that all? A. That is all Mr. Botkin said to Mr. Moon, except he said, "*You get to the jury and give them some.*"

Q. What was Judge Botkin's condition at that time so far as sobriety was concerned? A. Oh, I don't think *the Judge was so awful drunk.*

This testimony was not contradicted. Judge Botkin was present and heard both Mr. Reeve and Mr. Fields testify, and he dared not contradict them. Here was a man on trial before Judge Botkin charged with a penitentiary offense, drinking whisky with the Judge, and advised by the Judge to give whisky to the jury, and profanely telling the criminal before him that it made "no difference" what the jury might do, that he, *the Judge*, would clear him anyway.

□ Nothing but a partisan Republican Senate, looking farther than Judge Botkin and seeing somebody else in peril, could ever have voted that Botkin was "not guilty."

It will be remembered that article *four* charged that Judge Botkin, in August, 1890, "on the streets and in public places in the city of Leoti, in Wichita county, was drunk and under the influence of intoxicating liquors, and was engaged in a drunken and boisterous quarrel on said streets and in said public places, and was then and there so disorderly that he had to be taken off said streets by the sheriff to prevent a further disturbance of the peace," and that the Senate sustained the demurrer to this article, holding that it was no impeachable offense for a district judge to be and become a drunken fool and debauchee *outside* of his judicial district. At a later day, the Board of Managers called Col. Emmett Callahan, a prominent Republican attorney of Sedgwick county, and asked him to tell about Judge Botkin's being drunk at Wichita during the political campaign of 1890, and at a time when Botkin had been billed for a speech at a Republican meeting at Wichita. Botkin's

counsel objected, because the alleged drunkenness occurred *outside of Botkin's* judicial district. After a good deal of discussion (Impeachment Trial, pp. 512-520), the following appears:

MR. WEBB: I heard General Bradford's statement, and I propose to make my offer in my own way, unless the Senate says I shall not. The State now offers to prove by the witness on the stand, and by other witnesses whom we shall place on the stand, that the respondent was drunk in the city of Wichita in August, 1890, and in the months of August, September and October of the year 1890; that he was drunk at Dodge City, and Anthony, and Garden City, and at several other places in the State outside of his judicial district; and all within a period of about four months; and all in support of article seven.

Article seven charged that Judge Botkin "had been an habitual user of intoxicating liquors to such excess as to incapacitate him for a clear-minded discharge of his judicial functions." The Board of Managers did not see why beastly drunkenness, outside of Botkin's district, oft repeated, did not tend to prove the seventh article as much as like drunkenness at home. But an over-wise Republican Senate, adhering to its absurd decision made in sustaining the demurrer to the fourth article, by a vote of yeas 12, nays 14, (less than a quorum voting,) refused to permit Col. Callahan, or any other witness, to testify to the facts embraced in Mr. Webb's offer. These fourteen Senators who voted in the *negative* were: Bentley, Buchan, Howard, Johnson, Kelly of McPherson, Lockard, Murdock, Osborn, Richter, Roe, Schilling, Senior, Tucker, and Wright. (Impeachment Trial, page 524.)

But before leaving the question of Judge Botkin's drunkenness, and constant use of intoxicating liquors, it is well to remember what his own witnesses testified to. Here is what the men said who were called before the Senate by Judge Botkin to vindicate his character for sobriety. In all cases it appeared that the "drink" of which Judge Botkin partook was some kind of an intoxicant: H. E. Evans drank with the Judge; Peter Bowers drank with the Judge; J. W. Gordon saw him drink whisky; J. B. Palmer mixed hot water and lemon with whisky for him; W. E. Hutchison saw him drink whisky on the road to Shockey's, and also in Topeka; J. A. Buckles drank whisky with the Judge; Silsby Stevens drank with the Judge; W. F. Collins and W. H. Buckles drank liquor with him in Seward county; L. A. Etzold drank liquor with the Judge in the Arkalon joint, the Judge buying the liquor; G. S. Stein saw him drink in the Arkalon joint; E. M. Campbell drank frequently with the Judge; W. R. Henline crawled into the back window of the joint with the Judge, and drank whisky with him; T. A. Scates saw the Judge drink whisky; E. R. Ragland and A. T. Ragland drank whisky with the Judge; J. H. Pitzer drank whisky in the joint with the Judge; F. E. Griffith drank whisky in the joint with the Judge; Mr. Hannan drank whisky with the Judge. Mr. Hackney testified that everywhere he and Judge Botkin were, there was always

plenty of liquors to drink, and it was freely drunk. J. F. Gray drank whisky with the Judge; Joseph Rosenthal drank whisky with the Judge, and testified that while his forgery case—Rosenthal being charged with forgery—was pending before the Judge, that the Judge drank whisky several times with him. J. A. Miller saw the Judge drink whisky, peppermint, paregoric and capicum on several occasions; and D. P. Johnson, the county commissioner, drank whisky with the Judge, and carried it to him. This man was put on the stand by Hackney to testify to the wonderfully temperate habits of this judge, and he testified that he had actually got up early in the morning and carried whisky to the Judge before he had opened his eyes. Frank Weir drank whisky with the Judge; J. E. Kelley drank whisky with the Judge; W. L. Walker drank whisky with the Judge; Thomas Cooper drank whisky with the Judge; J. C. Kilburn drank whisky with the Judge; G. H. Neumeyer drank whisky with the Judge; and G. D. Sloan drank reduced alcohol with him. And Mrs. Palmer, wife of the landlord of the "Hotel Hoisington," at Ulysses, found two whisky bottles in Judge Botkin's bed at said hotel at the April term of court, 1890. And all these persons were witnesses for Judge Botkin at his trial on impeachment before the Senate.

The testimony overwhelmingly sustained the first, second, third and seventh articles, all relating to drunkenness by Judge Botkin. It also sustained the fifth and sixth articles, but as the demurrer had been sustained as to them, no vote was taken on them. Nor was any vote taken upon the fourth article for the same reason, and the Senate refused to listen to any evidence proving Judge Botkin's drunkenness and debauchery in Wichita county, which was outside of his judicial district. On the first, second and third articles, respectively, thirty-five Senators voted "not guilty;" four Senators, Buchan, Johnson, Kirkpatrick, and Martin, were absent. (It will be remembered that Mr. Wilson, of the Fortieth District, had resigned.)

It will be remembered that the "demurrer," admitting the truth of these first, second and third articles, was overruled. The four Senators who were absent on the final vote were also all absent when the vote on the demurrer was taken. On the first article, 23 Senators voted to *overrule* the demurrer, holding that the article was good. These same 23 Senators voted "not guilty" after hearing the evidence—a most marvelous change of sentiment! The demurrer *admitted* the truth of the charge, the evidence *proved* the absolute truth of the charge, yet 23 Senators practically changed their views with their votes, or they could not have voted "not guilty." On the second article, 22 Senators voted to *overrule* the demurrer. These same 22 Senators voted "not guilty" after hearing the evidence. On the third article, 32 Senators voted to *overrule* the demurrer; and these same 32 Senators voted "not guilty" after

hearing the evidence. In each case the change is as wonderful and unaccountable as that respecting the first article.

The seventh article practically charged that Judge Botkin had become so besotted as to be incapable of properly performing the judicial functions of his office. On this article the vote was —

Guilty — Senators Harkness, Hays, King, Long, McTaggart, Rankin, Rush, and Wheeler — 8.

Not Guilty — 26. *Absent*, 4; and Senator Kimball excused from voting.

The only Senator who explained his vote on the seventh article was Senator Harkness, of Clay county. His understanding of the testimony and its effect as evidence is so clear, and his reasons are so cogent, that they should be pondered by everybody. (Impeachment Trial, pp. 1384 and 1385.)

SENATOR HARKNESS: . . . It is charged that the respondent has been an habitual user of intoxicating liquors, and it occurs to me, sitting as one of the triers in this case, that this charge has been conclusively established by the evidence. Of the vast number of witnesses that have been placed upon the stand during this trial, there are very few who have not testified to the habits of the respondent with reference to the use of intoxicating liquors. Witnesses for the State and witnesses for the respondent testify to his constant use of liquors. Proof has been introduced as to his habits in this respect throughout his district, during the time when court was in session, and at various other times; and I can only ascribe his conduct in these later years, as shown by the evidence in this case, to his habits and indulgence to excess in the use of intoxicating liquors. His obscenity, his profanity, his conduct upon the bench, as testified to by many witnesses, were not dictated by the noble heart and the generous nature of Theodosius Botkin, the soldier boy; but I can ascribe these things only to the feverish brain and abnormal condition occasioned by the habits he has formed in later years. Charity, as well as my deliberate judgment, leads me to believe that the unlawful, oppressive and inexcusable acts, concerning which evidence has been introduced, in many instances were due to that unfortunate habit, and the physical and mental condition resulting therefrom; that many of the things charged against him would never have occurred but for the fact that he had, by the constant and excessive use of liquors, incapacitated himself for a clear-minded discharge of his duties.

Here is a prominent Republican Senator frankly confessing that every claim made by the State, respecting Judge Botkin's unfitness for the bench by reason of his continuous drunkenness, was fully proven; and yet Senators Bentley, Berry, Emery, Gillett, Kelley of Crawford, Kelly of McPherson, Lockard, Mechem, Moody, Murdock, Osborn, Richter, R  e, Schilling, and Wright, who had voted to *overrule* the demurrer to this same seventh article, having heard this same testimony which Senator Harkness so clearly presents as conclusively *proving* the article, changed sides and voted "not guilty." Let the people remember these matters.

The eighth article charges that Judge Botkin was guilty of most terrible

and shocking blasphemy. It is sufficient to quote from the testimony of two witnesses respecting this charge:

H. F. Millikan, register of deeds of Haskell county (Impeachment Trial, p. 337), testified that he had known Judge Botkin for more than three years; that at Santa Fe, in Haskell county, in July, 1890, he saw Judge Botkin "come out of a place where it is reported that whisky is sold — come out on the corner of the public street, and the first thing that I heard him say, there was a lot of 'God-damned sons-of-bitches in this town who have'nt got any more sense than jackasses, and every one ought to be killed,' and went on at a terrible rate. I know he said those words."

And at page 338 Mr. Millikan testified that in January, 1891, he attended the court at Springfield, in Seward county; that on that occasion he saw Judge Botkin in Shortman & Tice's drug store; that he (Botkin) came out from behind the prescription case; . . . "in the course of time he was talking to some one near the door, and I was further back in the room; and I heard him say that 'God Almighty was a God-damned fool.' That is what attracted my attention — the remark came so strangely."

John C. Buster, another witness, was at Springfield at the same time, and was also at the drug store. He testified that he saw Judge Botkin there, behind the prescription case; "I heard him talking around there to a man in front. They were Seward county men; and he came around the prescription case and made the remark that 'God Almighty was a God-damned fool;' and . . . it stunned me when he said it."

The only attempt made to avoid the effect of this evidence by Judge Botkin was to get two or three witnesses to testify that they were at the drug store, and that they "didn't hear Judge Botkin use the language attributed to him." Judge Botkin had ample opportunity to deny it, and he did not offer to do so! But as further proof of Judge Botkin's habitual use of profane language on and off the bench, we quote from the testimony of Rev. J. A. Irons, a minister who was called by Judge Botkin to prove a good character for the Judge. On cross-examination Mr. Irons was asked what Judge Botkin said while holding court in Haskell county on a particular occasion, and this was the answer (page 868):

"I think the Judge says: 'I will have the boys to understand whenever it comes within my power from now on, or whenever it is possible for me from now on to appoint a receiver to close out these town companies and corporations that have been a curse to this country, I will do it, I don't care if Jesus Christ is the President;' to which I said 'Amen!'"

If human testimony ever proved a solitary fact, then the charge contained in the eighth article was conclusively proved. And yet only *four* Senators — Messrs. Hays, McTaggart, Rush, and Wheeler — voted "guilty." Thirty Senators voted "not guilty," and Senator Kimball was excused from voting. If

blasphemy in a district judge, and if the terribly wicked and shocking profanity and blasphemy, conclusively shown to be a common practice with Judge Botkin, is not an "impeachable offense," then times have changed very greatly. Blasphemy is spoken of by law-writers and courts as a "crime." It was a crime at common law. It was and is punishable as a crime in almost all European countries, and in nearly all of the United States, and the Senate, in passing upon the demurrer to other articles in this same case, determined that a "misdemeanor," to be impeachable in this State, need not be an offense punishable by statute. Then why was not the eighth article sustained by the Senate of the State of Kansas? Have the members of that body become so addicted to profanity that they no longer regard it as an offense against public morals and public decency? or was his acquittal on this article a part of the partisan program necessary to save others by saving Judge Botkin?

The *ninth* article charges that Judge Botkin had been guilty of willful and oppressive conduct in office, and specified that he had illegally, maliciously and oppressively caused the arrest and imprisonment of four free American citizens. The evidence shows, and Judge Botkin nor his attorneys did not even make any pretense of denial, that on the 7th day of January, 1891, Judge Botkin issued an order for the arrest of John R. Garrison and J. F. Van Voorhis, which order was as follows:

"IN THE DISTRICT COURT OF SEWARD COUNTY, KANSAS.

"*The State of Kansas to the Sheriff of Seward County, Kansas:* Whereas, it comes to the personal knowledge of the judge of this court that one John R. Garrison and J. F. Van Voorhis *are circulating certain scurrilous papers* against this court and against the judge of this court, and are accusing the judge of this court of being incompetent, and of being a drunkard, and of being a robber, a thief, a boodler, and an aider and abettor of robbers and thieves:

"Now, therefore, this is to command you that you forthwith apprehend, attach and arrest the said John R. Garrison and the said J. F. Van Voorhis, and bring them and each of them forthwith before this court to answer the charge of contempt of court for said conduct; and hereof fail not, under penalty. By order of the court. [SEAL.] THEO. BOTKIN, *Judge.*"

The recital in this illegal order, that it was within the "personal knowledge" of Judge Botkin that Garrison and Van Voorhis were, or had been, circulating the papers of the character mentioned, was absolutely false. No attempt was made by or for Judge Botkin to prove that it was true. It was conceded that the papers referred to were the petitions to the Legislature for the impeachment or removal of Judge Botkin from office, of which several were presented to the House of Representatives on the 6th and 13th of February last, and which will be found at pages 14 and 1355 of the Impeachment Trial; and not only this, but both Garrison and Van Voorhis testified absolutely that they had not only *not circulated* any such papers relating to the

respondent, nor any petition or papers of any kind at that time, but had not even seen the paper referred to in the order issued for their arrest. No attempt was made by Judge Botkin to contradict their testimony in this respect. But if Van Voorhis and Garrison, or any other person or persons had circulated that, or any other petition or paper, they were not guilty of any actual or constructive contempt of court. Such a proceeding is privileged, being one of the personal rights of the citizen guaranteed by the bill of rights in our constitution, as follows:

"SEC. 3. The people have the right to assemble in a peaceable manner, to consult for their common good, to instruct their representatives, and to *petition the government, or any department thereof*, for the redress of grievances."

The people of the Thirty-second Judicial District, the people of any county, any city, or any township in that district, or any of the people therein, had the absolute right to write, print, circulate, sign, and present to the House of Representatives the petition which so wounded the tender sensibilities of Judge Botkin that he proceeded at once to deliberately violate the constitution, trample upon the law, and outrage the rights of two American citizens by ordering them to be arrested and imprisoned upon a false and groundless charge.

The State also proved, under the 9th article, that Judge Botkin, on the 13th of January, 1891, wickedly and maliciously issued another alleged order, or warrant, for the arrest of H. F. Thompson and C. L. Calvert. H. F. Thompson was the editor and publisher of the *Springfield Republican*, the official Republican newspaper of Seward county. C. L. Calvert had formerly been connected with the same paper. Five of the men who in February afterward petitioned the Legislature for the removal of Judge Botkin were, H. F. Thompson, C. L. Calvert, J. F. Van Voorhis, S. A. Klein, and Wm. E. Ralstin, all residents of Seward county, and all Republicans. In this petition (Impeachment Trial, p. 12,) it is alleged that Judge Botkin said to William E. Ralstin:

"'Billy, there are about a half-dozen of you God damned sons-of-bitches who will be in that jail before 6 o'clock to-morrow night. I am going to fill those steel cages full.' . . . 'I am after a son-of-a-bitch of a preacher, and I'll get him, too,' having reference to Rev. J. B. Bradley, an estimable citizen of Seward county."

This same Rev. J. B. Bradley wrote an article which was published as editorial in the *Springfield Republican* of 9th January, 1891. The following is a part of the article:

"A spirit of inquiry is manifesting itself, not only in Springfield and Seward county, but throughout the Thirty-second Judicial District. Many interesting questions are constantly before the mind of a large number of intelligent people, and these questions, like Banquo's ghost, will not down at the bidding. A few of these may be noticed here. Is there any authority in

law or elsewhere for a judge of a district court, at his own instance, without complaint, petition, or motion on the part of anyone, to appoint a receiver for a city's funds (amounting to more than \$8,000), and thereby taking said money into the custody of the court (said receiver was an officer of the court), and, while the money was subject to the order of the judge of the district court, by his order to pay out \$6,000, not to persons who had claims against the city, but to persons who had no claims, nor even a pretended claim to the money? Is such an act justifiable? Can it be tolerated? Will a long-suffering people endure it in silence? Is it possible that the authorities will wink at such official conduct?"

It was for printing this article that Judge Botkin caused H. F. Thompson and C. L. Calvert to be arrested. The complaint made and filed is signed "Theo. Botkin, Judge," and is given in full at page 476 of Impeachment Trial. It copies several extracts from the editorial above mentioned, and recites that Thompson and Calvert published said article *in reference to certain orders and judgments* "made by this court in a certain case then and now pending in this court, in which the State of Kansas, on the relation of the county attorney, is plaintiff, and G. W. Winn *et al.* are defendants."

This recital was absolutely false, and Judge Botkin knew it. The case referred to was case No. 543—which will be more particularly mentioned when considering article 10th—and that action was finally disposed of on the 8th of September, 1890; (Impeachment Trial, p. 417.) The following is so much of the journal entry of September 8th as is important here:

"The State of Kansas *ex rel.* J. B. Adams, county attorney, etc., vs. George W. Winn, mayor of the city of Springfield, *et al.*—No. 543.—And now on this day this cause came on to be heard in open court upon the petition of the plaintiff and the demurrer of the defendants. The plaintiff appeared by Messrs. Brown & Ney, and the defendants by Messrs. Hackney, Speed & Asp, their attorneys, and thereupon *the plaintiff moved* the court to dissolve the order heretofore made in this cause appointing a receiver herein, and *to dismiss this action*, with the proper order of allowance to the receiver. And the court being fully advised in the premises, is of the opinion that said motion ought to be sustained."

And the action was dismissed and finally ended on that 8th day of September, 1890, *more than four months before* Judge Botkin made and signed the false and wicked complaint alleging that it was "still pending" in court. The Supreme Court had long ago decided that "*after* a case or action has been finally disposed of, a court or judge has no power to compel the public, or any individual thereof, attorney or otherwise, to consider his rulings correct, his conduct proper, or even his integrity free from stain, or to punish for contempt any mere criticism or animadversion thereon, no matter how severe or unjust." Judge Botkin must therefore have subscribed his name to the falsehood for the only conceivable purpose of getting an appearance of jurisdiction, and throwing two American citizens into jail for daring to

criticise his actions in the matter of the robbery of the Springfield treasury. He had no more right to send those men to jail than he has to imprison any State Senator. And on appeal from Botkin's order of arrest and imprisonment, the Supreme Court discharged Thompson and Calvert, holding that their arrest was illegal, and that Botkin's acts were acts of usurpation and oppression.

But it should not be forgotten that the arrest of Garrison and Van Voorhis was made by order of Judge Botkin on January 7th, and that the arrest of Thompson and Calvert was made on January 13th. The one was a week before, and the other on the very day *the Legislature met* in regular session. Garrison and Van Voorhis were arrested upon a charge of *circulating petitions to the Legislature* for the removal from office of Judge Botkin, on the ground that he was "a drunkard, a robber, a thief, a boodler, and an aider and abettor of robbers and thieves." (See Botkin's order, Impeachment Trial, pages 24 and 1354.) Thompson and Calvert were arrested upon the charge of having published an article about that "boodler robbery" of Springfield. (See Botkin's complaint and order, Impeachment Trial, pages 476, 477.) The object of these arrests was to intimidate not only the four citizens arrested, but all other persons, and thus prevent them from applying to the Legislature, in the exercise of their constitutional rights, for relief from the oppression and tyranny of a drunken and corrupt judge. He was desperate, and resorted to desperate means. His intention was, as he declared, to "fill the iron cages" of the jails with men who dared assert and maintain the freeman's right to speak out and denounce crime and drunkenness, even when found in the person of a tyrannical judge. He failed in his wicked and malicious purpose, in part. The outraged and oppressed citizens of his district did petition the Legislature "for a redress of their grievances," and the House of Representatives heard their appeal, and did its part toward granting the needed relief. It was left for enough members of a partisan Senate to close their ears, and to still their consciences and stultify themselves, and to misrepresent the people of Kansas and outrage the high character of the State, by voting to acquit a man who was confessedly guilty of crimes enough to consign him to the penitentiary for a term of years. But be it said to the credit of a majority of the Senators present, that there were eighteen votes cast to convict Judge Botkin on this ninth article. The vote was as follows:

Guilty—Senators Carroll of Miami, Elliston, Forney, Harkness, Hays, Howard, Kimball, King, Long, McTaggart, Osborn, Rankin, Rush, Senior, Smith, Tucker, Wheeler, and Woodward—18.

Not Guilty—Senators Bentley, Berry, Emery, Gillett, Kelley of Crawford, Kelly of McPherson, Lockard, Mechem, Mohler, Moody, Murdock, Norton, Richter, Roe, Schilling, and Wright—16.

Absent—Senators Buchan, Johnson, Kirkpatrick, and Martin—4.

Not Voting—Carroll of Leavenworth—1.

The 10th article related to the robbery of the city of Springfield. The article is of great length, and is not divided into "specifications." But the article clearly presents a series of illegal, tyrannical and corrupt acts on the part of Judge Botkin, all relating to the one scheme of plundering the treasury of the city of Springfield. (House Journal, pages 737 to 740; Impeachment Trial, pages 25 to 27, and pages 39 to 41.) The purpose to steal the moneys belonging to the city apparently had its origin several months before its consummation. The city of Springfield had issued a series of "Water-works Bonds," and afterward a lot of "Refunding Bonds." Some of these bonds had been sold, a portion of the money expended, and there remained some \$8,000 in the city treasury. Whether with or without cause, some of the tax-payers expressed the opinion that the "bonds" of the city had not been legally issued, and then began the series of illegal acts on the part of Judge Botkin which are complained of in the 10th article. It will be convenient to present these illegal acts separately:

1. On the 1st of March, 1890, Judge Botkin issued an order directed to the county attorney of Seward county, reciting among other matters, that "Several complaints of violations of the criminal laws of the State on the part of the city officials of Springfield having come to my notice officially, and it being represented to me that you neglect and refuse to institute proceedings to punish the alleged offenders, and to protect the civil rights and interests of the tax-payers of said city," and commanding said county attorney to "forthwith institute such proceedings as law and equity may require in the premises, or show cause on March 15, 1890, why your office should not be declared vacant and a successor appointed, and why you should not be attached for contempt." (See Impeachment Trial, pages 437 and 1364.)

This "notice" proves conclusively that Judge Botkin is either grossly ignorant, or that he knowingly usurps powers he never possessed. It *could not* come to his "notice officially" that the criminal laws of the State had been violated, except by legal proceedings actually commenced in his court against the supposed criminals. Nor could he know, officially or otherwise, as a judge, that the county attorney "had neglected or refused" to perform his duty, unless the county attorney had been indicted by a grand jury in his court, or unless a criminal complaint had been made and filed in his court against him (in the name of the State as plaintiff) for such neglect of duty, or unless a proper action in *quo warranto* had been brought in his court against such county attorney to remove him from office for neglect or refusal to perform his official duty. Nor had Judge Botkin any legal authority to "command" the county attorney to institute proceedings, either criminal or civil, in his court or in any court, such as stated in said order; and he never had the legal right to command or require any county attorney to "show cause why his

office should not be declared vacant" (as shown in the above-mentioned order), nor to attach such officer for contempt if he should fail to "show cause." In all these respects Judge Botkin transcended his legal authority. He was grossly ignorant, and therefore unfit to hold the office of judge, or he was a mendacious and dangerous usurper, trampling upon the rights alike of private citizens and public officers.

2. In obedience to that illegal order, the county attorney commenced a civil proceeding in the name of the State as plaintiff against the mayor and councilmen of the city of Springfield and certain county officers, to enjoin and restrain such officers from levying or collecting any taxes to pay certain city indebtedness, and also, to *forever enjoin* J. M. Adams (who was city treasurer and also one of the defendants) from—

"Paying out or turning over *any sum or sums of money* to any person or persons whomsoever on account of said bonds, interest or principal, or on account of *pretended indebtedness of said city of Springfield*, made or pretended to have been made prior to October 5, 1889."

All the proceedings had and taken in this civil action appear in full in the Impeachment Trial, at pages 413 to 420, and they present a record of high-handed robbery and plunder, in the name of law, scarcely ever equaled in infamy anywhere. This action and the papers therein bear the "No. 543." Another action had been commenced in January, 1890, by J. B. Adams, county attorney,* against the mayor and councilmen of the city of Springfield—the proceedings in which are printed in full in the Impeachment Trial, at pages 409 to 412. This action or suit is numbered "530." Suit No. 530 was the first step in the proceedings to rob the city of Springfield. In that suit the mayor and council were, on the 25th of January, "enjoined" by Judge Botkin from paying out any of the city's money for certain purposes (page 409), but it is a singular feature that the party most affected by that injunction was not a party to the suit! It will be convenient to refer to the two actions mentioned as "No. 530" and "No. 543." A motion to "dissolve" the injunction in No. 530 was duly made in March, 1890, but was not granted by Judge Botkin until the 27th of September, which was *after* the robbery of the city had been consummated. (Pages 410, 412.) The injunction prayed for in No. 543 was granted by Judge Botkin on the 3d of March, and was not dissolved until the 8th of September, which was *after* the robbery of the city had been fully accomplished. By means of the two civil actions and two injunctions against the mayor and councilmen, the money of the city was kept in the city treasury. It was necessary to get hold of that money, and so the

* In examining said impeachment trial and the records of the two actions mentioned in the text, it should be observed and remembered that there were two Adamses connected with those cases, namely, J. B. Adams, county attorney, and J. M. Adams, city treasurer of the city of Springfield.

county attorney, as required by Judge Botkin's order above quoted, commenced a *criminal prosecution* against the mayor, a portion of the councilmen, and some other persons, the proceedings in which prosecution are set forth in the Impeachment Trial at page 403. This was commenced on 17th June, 1890. The object was to intimidate the city officers so as to compel them to vote the city money to Botkin's friends.

3. In the criminal action against the members of the city council, Judge Botkin, to make sure that the main purpose should not fail, acted as a justice of the peace, or an "examining magistrate"—a proceeding wholly unauthorized by law. A district judge who assumes to act and sit as an examining magistrate usurps powers never given him, and never intended to be given him. (This feature of the case was discussed fully during the trial; pages 219 to 221.)

4. On the 17th of June, the same day that Judge Botkin as "an examining magistrate" required the defendants in the *criminal* case to give bond, and continued the hearing until June 27th, he (Botkin) sitting as judge of the district court took most remarkable action in civil action No. 543. Two of the defendants there asked "leave to answer" the petition, showing why the defendants should not be enjoined from levying proper taxes to pay off the city indebtedness, and why the defendants should not be enjoined from voting as members of the city council to pay any proper city indebtedness. This leave to answer was granted; but in the same order, (Impeachment Trial, page 415,) Judge Botkin did this illegal and unheard-of act:

"And the court on its own motion doth appoint J. M. Adams receiver herein, and fixes his bond at \$10,000, to be filed within forty-eight hours."

J. M. Adams was city treasurer, and one of the defendants. Section 255 of the Kansas civil code reads: "No party, or attorney, or person interested in an action, shall be appointed receiver therein." The appointment of "J. M. Adams as receiver," was a flagrant violation of positive law. More than that: no court or judge has or ever did have the right or authority in any case to appoint "a receiver on his own motion." A receiver can only be appointed on a proper application made by a party to the suit. The application must be in writing, duly filed, and supported by affidavits. There is no exception to this rule to be found anywhere outside of Judge Botkin's court—and even *there* such a proceeding is a high-handed outrage. Again, as this action No. 543 was against the mayor, councilmen, city clerk and city treasurer, as defendants, it was practically a suit against *the city of Springfield*, a "municipal corporation;" and no power exists anywhere, in any court or judge, in the absence of an express statute to that effect, to determine that a "municipal corporation" is insolvent, and place it or its affairs in the hands of a receiver. There was never any more occasion or any more authority for putting the affairs or management of the city government of the city of Springfield in

the hands of a receiver, than there is for ousting the mayor and council of the city of Atchison, or Leavenworth, or Topeka, or Wichita, from office and putting the government of such city in the hands of a receiver. Why was this proceeding taken by Judge Botkin? Let his attorney and witness, Mr. J. H. Pitzer, tell the story; (*Impeachment Trial*, page 1078.) Mr. Pitzer was called, and examined by Mr. W. P. Hackney:

Q. Did he [Judge Botkin] give any reason why he wanted to appoint a receiver in that case? A. Well, he said *in order to bring the money nearer to the court*. He made a remark like this: "Here is a small town that has something more than \$50,000 indebtedness on it, and there is not a thing to show for it, and *the only thing in sight for the boys* is what little money there is in the treasury; and if the injunction suit has been properly brought, I am going to bring this money, by placing it in the hands of a receiver, nearer to the court, in order that it may be looked after, and throw protection around the city treasurer or receiver."

Mr. Hackney was then sent for, ostensibly to "defend" the members of the city council and others who had been arrested on a pretended criminal charge, and whose "examination" had been postponed by Judge Botkin as an "examining magistrate" until June 27th; (*Impeachment Trial*, page 403.)

5. On June 27th, Mr. Hackney reached Springfield. Neither that day, nor the next day, nor at any time, did he do a *single act* or *file a single paper* in that criminal action. But Judge Botkin on the 27th continued the case until the 28th, and then ordered the discharge of the defendants without any further hearing or proceedings. But that day, June 28th, the city council was called together to vote money to pay Wm. P. Hackney for his "services" rendered and to be rendered for the members of the city council who had been accused of criminal conduct respecting the issuance of those city bonds, and who had been arraigned before Judge Botkin as an "examining magistrate," and who had been discharged on that 28th day of June without a hearing or trial. The council met. Mr. Hackney appeared and demanded \$4,000, because (as he testified) he would be required to defend them against those criminal charges at any time when called upon until the charges would be barred by statute! And the city records produced and read in evidence show that the city council did vote—the *three* councilmen who had been intimidated and coerced by the "criminal action" voting for it, and the other *two* councilmen voting against it—to pay Mr. Hackney the \$4,000 demanded! Here is the illegal warrant that these three councilmen had voted to have issued to Hackney:

"\$4,000.

SPRINGFIELD, KANSAS, June 28th, 1890.

"Treasurer of the city of Springfield, Kansas, pay to W. P. Hackney, or bearer, four thousand dollars, legal services, out of any moneys in the treasury derived from the water bonds. By order of the city council.

G. W. WINN, Mayor.

H. SHORTMAN, Acting Clerk."

Note the date—28th June; and several witnesses, Mr. Hackney among them, testified that on that same night, at the bank of which Mr. J. M. Adams, city treasurer, and receiver, was also cashier, Judge Botkin made on the back of said \$4,000 warrant the two indorsements, as follows:

“June 28th, 1890.—Audited and allowed, and receiver ordered to pay same out of funds on hand.—THEO. BOTKIN, *Judge*.

“J. M. Adams, receiver in State *ex rel. vs.* G. W. Winn *et al.*: Pay within order out of funds in your hands, and same shall be your receipt for amount.
THEO. BOTKIN, *Judge*.”

And this warrant, with its indorsements, was offered and read in evidence before the Senate, and contained this additional indorsement: “Received the within amount, this June 28th, 1890, of J. M. Adams.—W. P. HACKNEY.”

To show just how County Attorney Adams (a brother of Receiver Adams) and Mr. Hackney understood each other, see Hackney’s testimony, pages 1123 and 1124, where, after stating that he had secured from the city council the \$4,000 city warrant, he says:

“I drew up a contract with the county attorney at that time *in the bank* for the *dismissal of that suit* at the next term of court. . . . Practically the suit was settled, *and the whole thing was settled, criminal cases and all*, as I understood it—on the 28th of June, the night I got that \$4,000.”

Nothing further was ever done with that criminal case. A short time after June 28th, a “demurrer” was filed in civil action No. 543; and on the 8th of September, 1890, said civil action No. 543 was finally dismissed by the plaintiff, and on the 27th of that month civil action No. 530 was also dismissed. (Impeachment Trial, pages 417 and 412.) Not ten minutes’ work was ever done in either of said civil actions after *June 17th*, the day on which Judge Botkin resorted to the vigorous appliance of a *criminal prosecution* against members of the city council—which process resulted in bringing the city money “nearer the court.” But on the 8th of September following, Receiver Adams rendered his account, and was discharged. His account and vouchers appear in full at pages 417 to 420 of Impeachment Trial. His account shows that J. M. Adams, receiver, received of J. M. Adams, city treasurer, \$7,789.68; that he paid out as receiver the sum of \$5,897.25, and paid back to himself as city treasurer the sum of \$1,892.43. Just what “boys” who were “near the court” got the most of that \$5,897.25, will appear from the following items of Receiver Adams’s account:

Voucher No. 2, to John H. Pitzer, (assistant of Co. Att’y Adams)	\$150
Voucher No. 3, to W. P. Hackney (issued and paid June 28)	4,000
Voucher No. 4, to John H. Pitzer (assistant to Co. Att’y Adams)	100
Voucher No. 9, to Brown & Ney (assistants to Co. Att’y Adams)	500
Voucher No. 10, to J. M. Adams, receiver	500

\$5,250

Mr. Pitzer, attorney and witness for Judge Botkin, testified that he rendered no services whatever for the city, or for the city officers, but was employed by County Attorney Adams to assist him, in the two civil actions and the criminal action against the city officers. It was also proven that Brown & Ney were employed to assist County Attorney Adams in the civil actions. It was also proven that the city council did not vote any order or warrant to Mr. Pitzer, or to Brown & Ney, but that Judge Botkin fixed the amounts paid to them and made the allowances. So, there went to the "boys," Hackney, Pitzer, and Brown & Ney, the aggregate of \$4,750 for attorney fees for services never performed, or for services (so far as any were performed) which it was the official duty of County Attorney Adams to perform himself. Who will say that the city of Springfield was not robbed!

What did the Senate do on this 10th article? The form of the question was—

"Senators, what say you—Is the respondent, Theodosius Botkin, judge of the Thirty-second Judicial District, guilty or not guilty of a misdemeanor in office as charged in the 10th article?"

And the 35 Senators present voted as follows:

Guilty—Senators Carroll of Miami, Elliston, Forney, Gillett, Harkness, Hays, Howard, Kimball, King, Long, McTaggart, Rankin, Rush, Senior, Smith, Tucker, Wheeler, and Woodward—18.

Not Guilty—Senators Bentley, Berry, Carroll of Leavenworth, Emery, Kelley of Crawford, Kelly of McPherson, Lockard, Mechem, Mohler, Moody, Murdock, Norton, Osborn, Richter, Roe, Schilling, and Wright—17.

Absent—Senators Buchan, Johnson, Kirkpatrick, and Martin—4.

And the proclamation was made "that Theodosius Botkin is acquitted upon each and all of the articles and specifications as set forth in the articles of impeachment as presented by the House of Representatives."

Before closing this synopsis of the Botkin trial, it is proper to refer to the arguments made in the case, and to quote a few passages from some of these arguments. Mr. Douglass, of Wichita, Republican, opened the argument on the part of the State. He made a masterly address, thoroughly examining the testimony, and he showed conclusively that every article was fully proven. His argument will be found in Impeachment Trial, pages 1146 to 1217. We quote from his closing paragraphs a few sentences:

"Now what is the policy of the defense in this case? A constant endeavor to play upon the supposed prejudices of the Senate. When we show you that Botkin was drunk in bed, and could not hold court—when we show his filthy obscenity and vulgarity on and off the bench—when we show you that he is the constant patron of illicit drinking places, and fumbling around for whisky bottles in lumber piles and rock piles—when we show you that he has illegally imprisoned American citizens, inserting willful falsehoods to get a seeming jurisdiction—when we show you how he engineered this robbery of the Springfield treasury—his counsel get up and holloa *Sam. Wood*, and then

expect every Senator to take to the brush! They tell you he and Sam. Wood had a falling-out, and therefore you must stand by Botkin!

"Senator Moody remarked the other day that '*It appears that the Republican party is on trial, and nobody else.*' The distinguished Senator, I am sure, cannot mean that the '*Republican party*' is on trial for tyranny, oppression, blasphemy, drunkenness, and the robbery of a city treasury—for *that grand party, in whose ranks I am proud to march, always has been, AND IF IT IS TO LIVE IN THE FUTURE MUST BE, the eternal enemy of such things as these.*

"Acquit this respondent, and you perpetuate in office for two years and a half, in this great temperance commonwealth, a judge whose drinking habits are notorious; a judge who carries a two-gallon jug with him as a part of his judicial equipment; a judge who sleeps with whisky bottles in his bed; a judge who drinks with criminals at the bar before him; a judge who casts American citizens into jail for no cause save the crime of petitioning for his removal from the office he has disgraced; a judge who prostituted his high office as to use its powers for the pilfering of a city treasury, and to distribute its moneys among a few of his chums and cronies, in gross and open violation of law. . . . Senators, you may acquit or convict Theodosius Botkin as you will, but that spotted record will stand."

MR. BRADFORD followed Mr. Douglass, and made the opening argument on the part of Judge Botkin. His argument will be found from page 1218 to 1250. He contended, as he did upon the demurrer, that "misdemeanors in office" meant *official* misconduct, and nothing more—hence no impeachable offense was charged, except by the ninth and tenth articles, and as to these, the proof did not sustain the charges, *because Judge Botkin was ignorant of the law.* As to the ninth article (quoting from p. 1240), Mr. Bradford said:

"If Judge Botkin, in causing the arrest of those persons, *simply mistook the law or the facts* (and there is no evidence to show that he did it with an unlawful or malicious intent), they fail to show that he is guilty under the ninth article!"

Mr. Bradford's statement that there was no testimony showing malice and unlawful intent is a mere fiction of his own. The evidence of wicked and malicious intent and purpose, in every case of imprisonment, was simply overwhelming. But the unlawful acts imply malice and unlawful intent.

MR. MACKAY, of counsel for the State, followed Mr. Bradford. His argument occupies about 30 pages of the trial record. It was a masterly address, and presented the cause on the part of the Board of Managers with great skill and ability.

MR. WM. P. HACKNEY, the witness-lawyer of Judge Botkin, followed Mr. Mackay. His argument begins at page 1283 of Impeachment Trial, and extends to page 1328. It is difficult to properly characterize Mr. Hackney's address—but it is safe to say that it was alike audacious, malignant, and false. He seemed to realize that he was on trial before the intelligent people of Kansas as the confederate of Judge Botkin in the robbery scheme whereby the city of Springfield was plundered, and he apparently thought that Judge Bot-

kin's peril and his own were due to the fact that the People's Party of Kansas was in the majority, and intended to bring the wicked, corrupt violators of law to speedy justice. Mr. Hackney's animus and falsehood will be best shown by extracts from his address:

"That all men are presumed to be innocent until the contrary is proven, has been a vitalizing force and power everywhere in Kansas outside of the Farmers' Alliance." (Page 1284.)

"A remarkable character appears in this case: they have said the argument would be Sam. Wood—and these men know that this case was instituted by this one man and his confederates." (Page 1285.)

This statement of Mr. Hackney is nowhere proven by the evidence. On the contrary, the testimony showed conclusively, (and that testimony is sufficiently quoted and referred to in the foregoing pages,) that the proceedings to impeach and remove Judge Botkin originated with and were controlled by Republicans alone. But we quote further from Mr. Hackney:

"Last year there was a rebellion in politics. The weak-kneed politician who didn't know whether he was on foot or on horseback, with his eyeballs protruding, his nose warty, and his face wan, entered an organization having for its object the overthrow of the Republican party. . . . Botkin finds this new party rampant, with Sam. Wood and Elder in the lead, and he published the record of Wood and Elder and Willetts, and he had the foolhardiness to go over the country in the campaign and declare their villainies. Of course, when they got the Legislature somebody had to pay the penalty of Botkin's indiscretions. . . . Now he is to be sacrificed. (Page 1288.)

"One Senator wanted to know whether *Judge Botkin* was on trial, or the *Republican party*. I submit to every Republican, and Democrat too, if it is not true from start to finish, this is a trial of the Republican party instead of Judge Botkin. . . . And that treasonable, oath-bound organization, that is a curse to any people on earth, without regard to fair dealing or the rights of citizens or anybody else, placed Botkin on trial in this court without one single piece of evidence being seen by the one hundred and odd members of that House. (Page 1289.)

"The Attorney General abandoned this case in a few days, be it said to his credit. While he belongs to that crowd, while he is tarred with the same stick, he had manhood enough to absent himself from this business. He has not darkened this chamber since. (Page 1290.)

"If Judge Botkin issued a warrant for his [*Van Voorhis's*] arrest *by mistake*, in the light of the testimony in this trial, there is nobody going to shed tears over it. (Page 1306.) . . . These scoundrels," [having reference to Van Voorhis and others who were petitioning for the removal of Judge Botkin from office,] "if they got into the clutches of the law wrongfully, are never damaged any, and it should not be so considered." (Page 1310.)

"As God is my judge, I never will persecute an old soldier at the behest of such a man as Wood, or Webb, or this infernal secret organization known as the Farmers' Alliance. . . . I might steal \$4,000, but I would not do as contemptible a thing as that." (Page 1309.)

"Now then, suppose the Judge did issue a warrant not authorized by law, as alleged. . . . All men make mistakes. *Judge Botkin made a mistake that time.* (Page 1311.)

"Are you going to impeach him because he made a mistake in arresting Van Voorhis? No, because it was simply a judicial mistake. Are you going to impeach him because he arrested [Garrison] that drunken dead-beat that did the dirty work of this prosecution? In God's name, no." (Page 1324.)

Mr. Hackney waxed eloquent respecting Mr. Garrison; yet the testimony showed that Judge Botkin had been drunk an hundred times to Garrison's once. And as to the "dirty work" done by Garrison, the testimony was conclusive that after getting Garrison in jail, Botkin and Pitzer and Larabee (Botkin's stenographer) bribed Garrison to turn over and work for Botkin—that Botkin gave him \$4 and Pitzer gave him \$10 more, and upon Garrison's making some affidavits, and delivering to Botkin and Larabee all the affidavits and letters he had, Botkin first admitted him to bail and then ordered his release! Mr. Hackney evidently forgot this feature of Garrison's great usefulness! Let us quote further from Mr. Hackney's high-toned address:

"Are you going to impeach him because he told the Farmers' Alliance leaders what they were, and because he dared to lay his hand on the sneaking crew who were attempting to stab the Republican party? Are you going to impeach him because he arraigned the administration and eulogized Ingalls for his faithfulness to his party? Are you going to impeach him because that crowd got together and drove Ingalls from his proud position, and put a jack-daw in his place? (Page 1325.)

"Will it do any good to do it"—[that is, to convict Judge Botkin]? "You stay in the Republican party or you are ruined. You may be as pure as the falling snow, as bright as Jim Blaine, as brainy as John J. Ingalls, and they would run a dirty political scab and he would beat you blind before that one-gallused, hungry, measley, miserable outfit. . . . We ran Judge Perkins, and they ran a miserable unwashed vagabond, and beat him [Perkins] blind. They beat Harrison Kelley because he was a Republican. They beat Perkins because he was a Republican. They beat Col. Phillips because he was a Republican—and it came mighty near sweeping the Republican party of the State out of power. I told you once that that damnable outfit would wear you out; and the next time they will do it as sure as fate. . . . Why, gentlemen, talk about *placating that infernal organization by convicting Botkin*? I say, *no*—in God's name, *no*. Not another effort. *Let us fight now, and at once; and don't let us give one inch.* (Page 1326.)

"This wild and woolly herd of fanatics will either receive a check, or will overwhelm us all. The Republicans will be snowed under, and nothing that you can do will ever get the Alliance vote; and if any man on the floor thinks *he can placate that crowd by voting to convict Botkin*, let him look at Col. Phillips, Harrison Kelley, and Judge Perkins—*let him look at the last Republican State ticket!*" (Page 1327.)

The foregoing are fair specimens of the harangue which Mr. Hackney addressed to the Senate. It was intended to catch and control the ultra-partisan Republican members, and aided by the personal appeals privately made by Mr. Hackney, and by men occupying higher places in the official scale, it was successful. It no doubt governed the votes of Senators Bentley, Berry,

Kelley of Crawford, Lockard, Mechem, Mohler, Norton, Richter, Roe, Schilling, and Wright—eleven votes. These votes, or any nine of them, added to the eighteen votes given *for conviction* on the ninth and tenth articles, would have removed Judge Botkin from office, and relieved the State from the foul disgrace of keeping him on the bench.

MR. HANBACK, also of counsel for Judge Botkin, followed Mr. Hackney. His argument was mainly a presentation of the questions argued on the demurrer, and a rehearsal of Judge Botkin's record as a "brave Union soldier." It begins at page 1329 of the Impeachment Trial, and occupies thirteen pages.

MR. WEBB, of the Board of Managers, made the closing argument on behalf of the State. His address will be found at pages 1342 to 1372. There is not space enough left for us to make any synopsis of Mr. Webb's argument. It is sufficient to say that he met all the propositions legitimately in the case, supplementing the able and convincing arguments of Messrs. Douglass and Mackey. But it was unavailing as against the personal and partisan appeals made by Mr. Hackney. The arguments closed on May 21st, and on the next day, May 22d, the Senate voted, with the result already stated.

It will be instructive to note the views of Senators upon the question of Judge Botkin's guilt. On taking the vote on the 1st article, Senators Bentley and Carroll of Leavenworth contented themselves with saying that they were satisfied that the respondent was "not guilty," and then voted accordingly. Only three other Senators expressed any opinion beyond the vote given. These three opinions may be briefly summarized:

SENATOR RICHTER: The respondent is shown to have done what a man occupying his high office ought not to have done; but the evidence against him is colored by malice and prejudice to such an extent that I am loath to find him guilty!

SENATOR KIMBALL said he did not hear all the evidence as it was given. [He was occupied a portion of the time as a member of the dynamite committee.] He said he had consulted his brother Senators, and based vote largely upon their views as to the effect of the evidence.

SENATOR OSBORN said that, in his judgment, articles 1, 2, 3, 7 and 8 did not present impeachable offenses, not charging official misconduct; that the remedy for these offenses was by removal by concurrent resolution, under authority of section 15 of article 3 of the constitution. To have been consistent, he should have voted to *sustain the demurrer* to those articles.

Let us go back a little. Mr. Hackney's testimony will be found at pages 1115 to 1132. He testified that Receiver Adams paid him the \$4,000 called for by the city warrant (which warrant was "audited" by Judge Botkin, and "ordered paid" by him) in certificates of deposit and drafts. He also testified that on the next morning he and Judge Botkin left Springfield together;

that they went to Topeka, where two drafts of \$250 each were cashed by the Topeka bank on June 30th. He further testified that the "certificates of deposit" taken by him were payable in ninety days from date, (June 28th,) and he said (see pages 1119, 1125 and 1126) that about October 1st Judge Botkin asked him for a "loan of \$250," and that he sent him three drafts of \$250—making \$750, of which Hackney said that \$500 was to be used for Hackney's benefit in Oklahoma affairs. Now these facts, following that most significant order made by Judge Botkin with the declared object of "bringing the money nearer the court," had such a bad look that Mr. Bradford and Judge Botkin felt it necessary to have *Mr. Hackney explain*. Hackney was equal to the necessities of the case. Here are Mr. Bradford's question and Mr. Hackney's answer:

Q. You stated that *the Judge did pay you back the \$250, etc.*; explain how that occurred. A. I went through here to Chicago the day before the election. As I came back, at Newton I met the Judge; *not by any previous arrangement*, but I met him, and *he had the money in an envelope*, and he gave it to me—the \$750.

And that is every word of "explanation" made or attempted to be made by Mr. Hackney about that pretended *repayment*. Botkin had \$750 *in money* (not drafts, or checks,) but *in currency*, "in an envelope," carrying it around the State, and met Hackney *by accident* at Newton! The peculiar features of these pretended occurrences Mr. Hackney did not attempt to explain. But the matter did not wholly escape attention. The State had proved by Mr. Hackney himself that he was at Guthrie, Oklahoma, most of the summer and fall of 1890; that one M. J. McAllister was his stenographer, (pages 531 and 1119;) and had proved by the assistant cashier of the Springfield bank that a draft for \$250, drawn October 9th by a Guthrie bank to M. J. McAllister, and indorsed to "Theo. Botkin," was presented at the Springfield bank October 29th by Judge Botkin, indorsed by him and paid to him; (page 455.) So Senator Carroll of Miami (p. 1131) asked Mr. Hackney what Judge Botkin had done to assist him in Oklahoma matters, and Hackney answered:

"He didn't do anything. He done what *I told him to about getting the drafts cashed*, and gave *the money back*, giving as his reason that he hadn't time and couldn't do it."

The attempted "explanation" was exceedingly thin, and more than one Senator disbelieved Hackney's statements. (See remarks of Senators Elliston, Gillett, and Kimball, all Republicans, pages 1392 to 1396.) We quote a single paragraph:

SENATOR KIMBALL: . . . As to whether Judge Botkin received any of this money, I do not know. The evidence shows that \$250 was loaned to him, and shortly afterward \$500 more, by Mr. Hackney, the man who got away with the \$4,000; and there is evidence on the part of Mr. Hackney that he met Judge Botkin at Newton, and the Judge happened just at that time to have in

his pocket that \$750, and handed it to Mr. Hackney. . . . The story told by Mr. Hackney, I am free to say, is *not in all respects reasonable and consistent*; and if I were compelled to say whether it were true or not, I should be in very grave doubts about accepting it. I am free to say that.

But was there any question as to the proof of Botkin's guilt? Let the Senators who *voted* "not guilty" answer for themselves:

SENATOR GILLETT: I am convinced that the warrant for the arrest of these parties [Van Voorhis, Garrison, Thompson and Calvert] was issued *without any authority of law*. A judge issuing a warrant bringing within his power an American citizen, depriving him of his liberty, ought to know what the law is or inform himself before issuing process to accomplish such a purpose; but I credit to the court in this instance with a mistake of the law. (Page 1387.)

SENATOR KELLY of McPherson: I am not unmindful that the arrest of a citizen, I care not how humble, without process of law, is a flagrant violation of the rights of the American citizen. But . . . this judge was besieged by men who were his enemies, and who are attempting to drag him down, to bury him politically. . . . I vote not guilty. (Page 1388.)

SENATOR MECHEM: While it is true that these parties were arrested, and possibly *arrested illegally*, yet it seems to me that the evidence negatives the idea of oppression and malice; . . . and the testimony throws some light upon the questions of whether it was willfully or knowingly done. . . . I therefore vote not guilty. (Page 1390.)

SENATOR MURDOCK: The respondent is a man of strong mental force. He knows the right, . . . but it seems that he at times failed to meet the expectations of those who honored him with their votes. Instead of meeting and settling questions *by due process of the law*, he at times adopted *arbitrary measures* which are not in direct lines of strict interpretation of law. (Page 1398.)

As to the tenth article: SENATOR CARROLL of Leavenworth (p. 1392) admitted that there had been corrupt practices in the paying of the \$4,000 to Mr. Hackney, but he thought the "city officials" were the ones to be censured, and that the proper remedy was for the city to sue Hackney and recover back the money! So he voted "not guilty."

SENATOR ELLISTON (p. 1394) said, "the money never could have been paid to Mr. Hackney and others, if the Judge had, as was his duty, stood between the city and the men who were trying to rob it."

SENATOR GILLETT, who had voted "not guilty" on the ninth article, said (p. 1394) that the tenth article had given him a deal of concern. He thought the Judge had mistaken the law as to the power to appoint a receiver; he believed the orders given by the Judge to the receiver, to pay out the money, were wrong, and he was compelled to vote "guilty."

SENATOR RUSH (p. 1399) said, "Talk about suing Hackney for \$4,000, and Pitzer for \$250, and Brown for \$500! Not one dollar of that money could have been obtained by those gentlemen without the *written consent or order* of the judge on the receiver to pay the money."

One other voice must be heard. Mr. A. G. STACEY was the Secretary of the Senate during the sessions of 1889 and 1891, and during the Impeachment Trial. He was an *ultra* Republican, and he assumed on all occasions to speak for the Republican Senators. He was, during all that time, the accredited correspondent of the *Kansas City Journal*, a Republican newspaper. When the roll had been last called, and Judge Botkin had been adjudged "not guilty," Mr. A. G. Stacey sent a long dispatch to the *Kansas City Journal*, which was published in that paper on Saturday morning, May 23d. After giving the votes, and the final result, Mr. Stacey made the following most significant admissions:

"One of the Senators *voting for conviction*, it is charged, cast his vote to rebuke Governor Humphrey, who had originally appointed Judge Botkin. Another Senator had *unfortunately* been forced into one of the factions that was an anti-Botkin faction. One other Senator was influenced by personal reasons. And yet, these three Senators were conscientious, and *can honestly and truthfully say they were casting their votes in accordance with the evidence given*. The testimony was direct, *backed by documentary evidence which of itself would be incontrovertible*. . . . The Senators voting for acquittal *did not attempt to palliate the violations of law, and abuse of power*, but looked into the motives of the Judge, and the influences around him. He had been harassed and tried; and in seeking to *protect himself* he had gone further than he should have done, in both the 9th and 10th articles. . . . He did not have the power to appoint a receiver for the bankrupt city of Springfield." . . .

What more is needed to show that the acquittal of Botkin was a Republican partisan scheme? Mr. Stacey says that one Senator voted for conviction "to rebuke Governor Humphrey." Possibly; there were eighteen Senators—seventeen of them Republicans—who dared to vote "guilty," although it was common talk in the Senate chamber during the last three or four days of the trial that Governor Humphrey had personally appealed to Senators to sustain him and his administration by voting to acquit Judge Botkin. Mr. Stacey's explanation gives color to the truth of the statement.

Further proof of Governor Humphrey's interest in Botkin was shown by Mr. Hackney. His testimony abounds with statements which amply show the ties and instincts which would naturally bind himself and Botkin in close fellowship, and also why Governor Humphrey should first appoint Botkin, and afterward defend him. Mr. Hackney (page 1128) said:

"The Governor told me that Botkin had been in three conventions that had honored him, and he wanted to appoint him, but that there was a lot of fellows *howling about him being a drunkard*; that he had never seen him drunk, and he wasn't prepared to believe it. I said that if I was Governor of this State, and a fellow had backed me, and I wanted to appoint him, that I would do it in spite of all the State, and I wouldn't *care a damn what they said*."

There it is in a nutshell. Political service created an obligation. *Being a "drunkard"* was of no moment; but to have "a lot of people howling about

it" was not so agreeable. But a "fellow who backs" a candidate must be appointed to office "in spite of all the State" and all the great interests and sacred rights which may thereby be jeopardized, and Hackney "wouldn't care a damn" what the people might say about it. Of course Hackney wouldn't care what might be said or thought about the stealing of \$4,000—and his drunkard-friend Botkin wouldn't scruple to aid in the robbery—and Gov. Humphrey would naturally regard the conviction of Botkin as a condemnation of his official act in appointing a man who was at the time so common a drunkard that people "howled about it," and so would become the leader of the "Botkin faction."

Let the people of Kansas remember the BOTKIN IMPEACHMENT TRIAL, and the men who secured Botkin's acquittal.

ADDRESS OF THE BOARD OF MANAGERS IN THE BOTKIN IMPEACHMENT CASE.

To the Members of the House of Representatives, and through you to the People of the State of Kansas: As a committee of the House of Representatives, duly appointed in February last, charged with the duty of prosecuting before the Senate the articles of impeachment against Theodosius Botkin, judge of the Thirty-second Judicial District, we deem it a duty alike to ourselves and to the public that we render to the public, whose servants we are, an account of our stewardship.

Judge Botkin was impeached for drunkenness in public places; drunkenness in his district, both on and off the bench; habitual drunkenness; frequenting whisky joints, and there buying, in violation of law, intoxicating liquors; he was charged with being guilty of oppressive conduct in office, in unlawfully and maliciously imprisoning, without any cause whatever, free American citizens; and lastly, but not least, with corruptly entering into a scheme whereby the treasury of the little city of Springfield, in Seward county, was robbed of over \$5,000.

The articles of impeachment were duly adopted by the House of Representatives in February, and the undersigned were appointed a Board of Managers on the part of the House to present said articles to the Senate for proper action on the part of that body. The board duly presented the articles, and were ready from thence to proceed with the trial whenever they should be notified by the Senate that that body was ready to receive us and to proceed. The Senate duly organized as a court, and, after proper preliminary proceedings, adjourned until the 20th of April, as it was authorized to do by law.

By the provisions of law, the Attorney General of the State became associated with the Board of Managers in the trial of the impeachment; and while

he took an active part in the earlier proceedings, his other duties kept him from assuming that full control of the trial which your committee had hoped for. Your committee, pursuant to custom in such cases, and under authority of the statute, appointed George L. Douglass, of Wichita, and A. M. Mackey, of Topeka, as counsel for the State, to assist the Attorney General and the Board of Managers. The respondent appeared in person, and was assisted before the Senate by six attorneys, two of whom reside in his own district.

Contrary to the almost unvarying practice in trials on impeachment, the Senate permitted the respondent and his counsel to demur to the articles of impeachment. This proceeding, and the arguments thereon respecting all the questions of law arising upon the articles of impeachment, both as to substance and form, consumed nearly ten days, and resulted in a decision made by the Senate that neither the fourth, fifth nor sixth article stated an impeachable offense. The other seven articles were held sufficient at that time to put the respondent upon his defense.

The whole trial, counting from April 20th, occupied thirty-three days—a much longer time than seemed to your committee to be necessary. A large portion of this time was consumed in taking testimony either brought out by the respondent's attorneys in cross-examination of the State's witnesses, or offered originally on the part of the defense, to which the Board of Managers and their counsel objected as being wholly irrelevant and immaterial. But the Senate admitted a vast amount of testimony which was wholly foreign to the case, or to any question properly in the case. The Board of Managers had no voice whatever in determining what should or should not be allowed. All the board or their counsel could do was to object, and almost without exception their objections were overruled, either by the President of the Senate or the Senate itself. Again, as a rule, the Senate would adjourn on Friday until the afternoon of the following Monday, notwithstanding from fifty to one hundred witnesses were constantly in Topeka at the expense of the State, thus adding largely to the legitimate costs or expenses of the trial, and affording a pretext for those partisans of the respondent, who seemed incapable of appreciating the gravity or the importance to the public of the trial, for characterizing the impeachment and trial as "a farce." The Senate also permitted a good deal of time to be consumed by abusive political and personal harangues from the respondent's attorneys, who introduced and dwelt upon matters wholly foreign to the case—many matters of a purely political character, intended not only to appeal to the partisan prejudices of the members of the Senate, but to insult and humiliate the Board of Managers, the witnesses for the State, and all present who might entertain political views differing from those of the majority of the members of the Senate. One of the

counsel for the defense was permitted for several hours to outrage public decency, to pour out his vile and abusive insults, and make such an exhibit of himself as should have caused every Senator to hang his head in very shame. We venture the suggestion that no other judicial tribunal in christendom, of any grade or degree, ever permitted so shameful an exhibition of vituperation and malignity as was witnessed in the high court of impeachment sitting in the Senate chamber of the State of Kansas during the three or four hours consumed by one of the attorneys for the respondent. It is not for us, as a committee, to pass judgment upon such conduct. The seal of condemnation will be duly affixed by the intelligent and God-fearing men and women of Kansas alike upon those who brought about such a shameful occurrence and upon that body of men, who, having the power to prevent it, sat silently by and permitted it.

Let us briefly consider the facts of the case itself. The Board of Managers, representing the House of Representatives, and through them all the people of Kansas, were prepared to prove, and did offer to prove by prominent citizens, that Judge Botkin had, at different points in this State, been frequently drunk and had engaged in drunken quarrels on the public streets; but the Senate, in its wisdom, held that it was not an impeachable offense for a district judge to get "gloriously drunk" as often as he pleased outside of his judicial district, and it refused to hear any evidence upon this point.

The Senate also decided that it was not an impeachable offense for a district judge to visit and patronize all the whisky joints in his district. There was no joint too low for this judge to visit; no boot-legger too degraded to become the intimate chum and daily companion of this judge; and yet this high court of impeachment solemnly decided that such acts did not constitute "a misdemeanor in office."

The evidence establishes the fact beyond question, that Judge Botkin is an habitual user of intoxicating drinks to a fearful extent. As many as thirty witnesses on the part of the State testified to such facts as lead to the belief that whisky and beer have been his common beverage, and that he was, while holding his terms of court, frequently prostrated from their effects; and on cross-examination thirty-four of his own witnesses testified to having drunk intoxicating liquors with him, some of them so frequently that they could not give any definite idea of the number of times they had seen him drink intoxicants. It one case it was proven, and not denied, that Judge Botkin, in the absence of the proprietor, raised the back window of a drug-store "joint" and went in and helped himself and others to whisky; and in another case it was proven by numerous creditable witnesses that he was in bed at a hotel in the daytime, and in a drunken stupor for several hours, and with several

whisky bottles in the bed with him, while officers of the court and parties having business to be transacted were at the court-house waiting for court to be opened.

Upon the testimony your committee believed, and still believe, that no man who uses intoxicating drinks to the extent proven against the respondent is qualified for the proper discharge of the important and responsible duties pertaining to the high office of district judge. Yet the decision of the State Senate, the high and mighty body elected on a prohibition platform, in a prohibition State, encourages the violation of every provision of the prohibitory liquor law. It condones the offense of drunkenness in a judge elected on the same platform.

On the ninth article, charging oppression in office in unlawfully and maliciously imprisoning free American citizens, the evidence showed that Judge Botkin had, for the purpose of wreaking his vengeance, imprisoned four citizens of this State, without even a shadow of cause; and yet, of the thirty-five members of this high court who were present and voting, sixteen voted to acquit, in face of an overwhelming mass of uncontradicted and unimpeached evidence. The four citizens oppressively and illegally arrested and imprisoned by this tyrannical and wicked judge were H. F. Thompson, the editor of the *Springfield Republican*, C. L. Calvert, a former editor of the same newspaper, John F. Van Voorhis, the chairman of the Seward county Republican central committee, and John R. Garrison. All these men were Republicans. Three of them were residents of the county in which Judge Botkin resides. Two of them, Thompson and Calvert, sought relief from Judge Botkin's power and revenge by means of *habeas corpus* proceedings in the Supreme Court; and this court only three weeks ago (and while this impeachment trial was in progress) ordered their discharge, holding and deciding that Judge Botkin's order for their arrest and imprisonment was illegal and oppressive, and void for want of jurisdiction. While it is a matter of profound and painful regret that the high court of impeachment did not remove the tyrant and oppressor from office, it is gratifying to know that the oppressed and suffering people of the Thirty-second Judicial District can find relief from some of the wrongs they suffer upon making proper appeals to the Supreme Court of the State. But let it not be forgotten that *eighteen Senators* deemed the proof of Judge Botkin's cruelty and oppression so plain and conclusive that they voted for his conviction on the ninth article; and of these eighteen Senators, seventeen belong to Judge Botkin's own political party.

The tenth article preferred against Judge Botkin charged him in substance with the systematic robbery of the little city of Springfield, in Seward county. In brief, the proven facts are these: The treasurer of the city of Springfield held nearly \$8,000 of money realized from the sale of city bonds issued by

the city officers for water-works purposes. Under the pretense that the bonds had been illegally issued, and that the city officers had been guilty of a crime, Judge Botkin caused the mayor and several of the councilmen and an attorney to be arrested upon a criminal charge, and brought before him for trial or examination. In a civil suit already pending against the mayor and other city officers, he had kept the city money in the treasurer's hands by an injunction which he had granted. In this civil action Mr. J. M. Adams, city treasurer, was one of the defendants. Having put the mayor and a majority of the city councilmen in fear, he appointed City Treasurer Adams "a receiver" in a civil suit in which Adams was one of the defendants. In appointing this receiver, Judge Botkin was guilty of three high-handed and illegal acts. First, the statute (section 255 of the Civil Code of Kansas) expressly declares that "*no party, attorney, or other person interested in an action, shall be appointed receiver THEREIN.*" Second, Judge Botkin appointed the receiver "on his own motion," without any application or proof made by any one for any appointment, a proceeding never before heard of anywhere, and a proceeding which has not a shadow of law, nor decency, nor propriety, nor necessity to support it. Third, the proceeding was practically the appointment of a receiver for a *municipal corporation*, a thing which cannot be lawfully done anywhere. The story of this infamous proceeding on the part of Judge Botkin was told by Mr. John H. Pitzer, one of the respondent's attorneys, who was called and testified in behalf of the respondent on May 14th. Mr. Pitzer, when examined by Judge Botkin's attorney, testified thus:

Q. Did you hear the remarks of Judge Botkin at the time, in appointing the receiver? A. I did.

Q. What did he say? A. . . . The court then proceeded to say that he had been annoyed a great deal about that case and the condition of affairs connected with it; that . . . in view of the threats that had been made—and considerable excitement existed at that time over the city treasurer refusing to pay warrants since the injunction was granted—he would appoint a receiver. He believed it was simply one band of robbers against another attempting to get hold of the city funds, and that he would appoint J. M. Adams receiver, and would give him forty-eight hours to file his bond in the sum of \$10,000, to be approved by the court; and if not filed in that time, the money should be turned over to the clerk of the court.

Q. Did he give any reason why he wanted to appoint a receiver in that case? A. Well, he said in order to bring the money nearer to the court. He made a remark like this: Here is a small town that has something more than \$50,000 indebtedness on it, and there is nothing to show for it, and the only thing *in sight for the boys is what little money there is in the treasury*; and if the injunction suit has been properly brought, I am going to bring this money, by placing it in the hands of a receiver, *nearer to the court, in order that it may be looked after*, and throw protection around the city treasurer or receiver.

In the manner and upon the grounds stated, Judge Botkin, in open, flagrant and positive violation of the law, brought the city's money "nearer the

court," and then, having first advised one or more of the councilmen to employ Mr. W. P. Hackney to defend them in both the civil and criminal actions brought against them, delayed the examination or trial of the criminal case until Mr. Hackney could reach Springfield. On Mr. Hackney's arrival at Springfield he met the mayor and councilmen, and made a contract by which they were to pay him \$4,000 to defend them. He then arranged with the county attorney (so he testified himself) to have both actions dismissed; after which the mayor and council issued to him a city warrant for the \$4,000 attorney fee, which warrant Judge Botkin approved and ordered paid by the receiver, and the same was paid that same night. Thus \$4,000 of the city's money was brought much "nearer the court" by finding its way from the court's receiver to the pocket of the court's friend Hackney. The court also allowed Mr. John H. Pitzer \$250 out of the city money for assisting the county attorney in *prosecuting* the two suits *against* the mayor and councilmen (not for defending them); and the court allowed two other attorneys \$500 for assisting the county attorney in *prosecuting* (not defending) the mayor and councilmen in those two suits—both of which were settled by Mr. Hackney and the county attorney as soon as it was known that the money was "near enough to the court" to be disbursed by its "receiver" on the order of Judge Botkin, and the court also allowed Receiver Adams \$500 out of the city money in his hands, for doing nothing—thus robbing the treasury of Springfield of four sums of money, aggregating \$5,250, without one single legal or moral excuse. The agreement made by Mr. Hackney and the county attorney, that the two suits against the mayor and councilmen should be dismissed, was carried out. Not an hour's work was done in or about either suit after that agreement; and the criminal action was dismissed at once, and the civil action at the term next ensuing. The "protection," which the city of Springfield had "thrown around" it and its money by the action of Judge Botkin and his "receiver," was the protection which the hungry lion gives to the tender lamb. There was not wanting a single element of proof—of proof overwhelming and conclusive—that the city of Springfield was systematically robbed of more than \$5,000, knowingly and purposely, by Judge Botkin and his confederates. And yet the Senate of the State of Kansas, sitting for his trial on impeachment by the House of Representatives, failed to convict him.

Fellow citizens, you may well ask how this result was reached. We will endeavor to explain. The Senate is composed of forty members, and under the constitution it requires the votes of two-thirds of all the members elected, voting in the affirmative, to convict. It was therefore necessary for the Board of Managers to secure twenty-seven votes to convict on any article. One Senator has resigned—so, if the respondent could obtain and hold the votes of thirteen Senators, no conviction was possible. Only thirty-five Senators were

present when the vote was taken, and of this number nine votes for the respondent would prevent a conviction. Of these nine votes, he was assured at the outset of five noisy partisans, who, oblivious of their oaths to "faithfully and impartially try the case, and do justice according to the law and evidence," were ready to exhibit, and did exhibit their intense partisan determination to acquit Judge Botkin, regardless of the law and evidence—and right royally they stood and voted together. To recruit and increase this partisan band became the daily and hourly task of personal and political friends of the respondent. Senators whose sense of honor and justice compelled them to arrive at the determination to vote for conviction were bullied and threatened. All sorts of influence, political and otherwise, was brought to bear to acquit this corrupt and oppressive drunken tyrant; and well did they succeed. But be it said to the honor of the State, that notwithstanding all this, there were yet found in Israel eighteen righteous men who could not be persuaded, bullied or bribed to violate their senatorial oaths! All honor to these eighteen upright men! The votes of those eighteen Senators, a majority of the Senators voting, and of whom seventeen were Republicans, justified the course of the House of Representatives in impeaching Judge Botkin. Although the State failed to secure the two-thirds vote necessary to a legal conviction, yet the majority vote secured was equal to a moral conviction.

The official report of the trial will soon be issued by the public printer. It will fill two large volumes. We are confident that it will fully justify the action of the House of Representatives, and will furnish abundant proof that the Board of Managers, laying aside all partisan feeling or prejudice, entered upon the duties assigned them and honestly and impartially discharged such duty to the best of their ability; and to the candid and intelligent judgment of the people of Kansas, regardless of party ties or sympathies, we submit the account of our stewardship.

A. N. WHITTINGTON, *Chairman*, Lincoln county.

W. H. MITCHELL, Reno county.

GEO. H. COULSON, Harper county.

WM. C. WEBB, Shawnee county.

J. B. COONS, Miami county.

TOPEKA, May 28, 1891.

CHAPTER IV.

POLITICAL METHODS.

HUTCHINSON FORGED RESOLUTIONS.—On the 24th of February, 1891, the editors of Populist newspapers met at Hutchinson and formed a State association, with Senator W. A. Pepper as president and Dr. S. McLallin as secretary-treasurer. They also adopted a series of resolutions, among which was the following:

"*Resolved*, That we pledge ourselves to the support of every measure that shall tend to render justice to the old soldiers by way of service pensions, and making the money in which they were paid while in the service equal to that which was paid to the bondholder, independent of party affiliation, as we fully believe legislation relating to soldiers should be effected independently of politics, and we condemn any and all movements of old soldiers as a political organization."

It was simply a protest of old soldier members of the association against the violation of rule XI, (G. A. R. rules,) which reads as follows:

"No officer or comrade of the Grand Army of the Republic shall in any manner use this organization for partisan purposes, and no discussion of partisan questions shall be permitted at any of its meetings, nor shall any nomination for political office be made."

Two weeks later, the *Interior-Herald*, never heard of before outside of Reno county, comes out with a forged resolution considerably longer than the above, and brazenly swears the association passed this forgery of his, which deliberately and wantonly abused all old soldiers. Republican newspapers, from the *Capital* up to some reputable papers east and west, copied the forgery, with scathing comments, which if genuine, would all have been deserved, and more too. This denunciation of the K. R. P. A. brought Dr. McLallin, the secretary, to a determination to make an example of the forgers for the benefit of others who might be emboldened in crime if this were let pass unnoticed.

Accordingly he visited Hutchinson, during the session of a soldiers' reunion, and secured affidavits denying the invention of Fletcher Meredith. Following is one:

STATE OF KANSAS, RENO COUNTY, SS.

Thomas Robertson, being duly sworn, says: He is a resident of Lincoln township, Reno county, Kansas; that he was present at the Reform press meeting that was held at Hutchinson, Kansas, on February 24, 1891; that the resolution printed in the *Interior-Herald* is a forgery, and that the resolution printed

in the *Topeka Advocate* is the one that was passed, and the only one bearing on the soldier question.

THOMAS ROBERTSON.

Subscribed and sworn to before me, this 29th day of April, 1891.

[SEAL.]

R. J. CANNELL, *Notary Public*.

(Commission expires October 14, 1894.)

This is selected at random from fifteen similar affidavits. There are also several letters from prominent persons, in the same vein. We append that of Hon. John Severance, then mayor of Hutchinson:

PLEVNA, KAS., April 20, 1891.

Mr. S. McLallin, Secretary Kansas Reform Press Association:

DEAR SIR—Yours of the 17th inst. received here to-day. I was not present at all of the sessions of the Reform Press Association, in Hutchinson, but was present when the "soldier resolutions" were read and adopted. I did not understand from the reading of the resolutions that there was anything in them that reflected on soldiers in any way, or that any soldier need object to. Senator-elect Peffer commenced his speech immediately after the adoption of the resolutions, and in his opening referred to and substantially indorsed the resolutions. The Senator used strong language, showing that the Government can hardly do too much for the soldier. He discussed at considerable length a plan by which the Government can, as he claimed, pay liberal pensions, settle with the soldiers, and take this whole business out of politics. There was certainly nothing in the speech which was not highly complimentary to the soldiers of the country.

Respectfully, JOHN SEVERANCE.

Besides the 15 sworn statements and 4 letters from Hon. John Severance, Hon. W. A. Peffer, J. L. Brady, (*News* reporter,) and R. J. Cannell, (attorney,) there was obtained the following from old soldiers themselves:

"We, the undersigned ex-soldiers, do hereby certify that we were present at the meeting of the Reform Press Association held at Hutchinson, Kansas, February 24, 1891, and that no such resolution as published in the *Interior-Herald*, as purporting to have been adopted by that association, was offered to said association or by said association adopted.

"Witness our hands, this 28th day of April, 1891.

W. B. HOLMES, Co. I, 5th Regt., Cal. Vols., Hutchinson, Kas.

ROBERT LAUGHLIN, Co. D, 120th Regt., Ind. Vol. Inf., Haven, Kas.

D. SHAW, Co. H, 2d Heavy Artillery, Hutchinson, Kas.

F. D. HORNBAKER, Co. I, 145th Ind. Vols.

DANIEL GIBBERSON, Co. A, 49th Ill. Vols., Castleton, Kas.

O. S. COFFIN, General Staff U. S. Vols., Hutchinson, Kas.

MINER CRIPPIN, Co. C, 113th O. Vol. Inf., Hutchinson, Kas.

T. J. PUGH, Corporal Co. I, 7th Ind. Vols.

R. WOLF, Co. C, 193d O. Vol. Inf., Hutchinson, Kas."

It would seem as if this vile leper would desist from a continual publication of his own shame and disgrace, by repeating his forgery, but, lost to all sense of decency, he continues to herald it forth, to be copied by papers unacquainted with him—all who know him refuse credence to anything he may father. The only excuse for including mention of it here is that the brutal *methods* of Republican managers may become thoroughly known by all people.

OTHER FORGED RESOLUTIONS.—Following closely upon this came a series of forged resolutions, purporting to report disaffection among the Alliance membership in Cloud county, Kansas. These did no damage at home—they *were not intended for home consumption.*

What for, then?

The Southern States of Kentucky and Mississippi were just entering upon exciting campaigns, in which Alliance principles were likely to figure largely. A man in prominent position had formerly written a letter to the Southern States, threatening that if they did not adopt the reforms demanded, and organize at once the Populist Party, that the people of the North would abandon their independence in political matters, and return to the wallow they had left. This last forgery was intended, *and used for that purpose*, to scare back to the old party any independent Democrat who contemplated shaking off his partisan allegiance. This is only one of the tricks that will be resorted to to deceive the people.

"Eternal vigilance is the price of liberty."

Watch the devils, and report to the editorial reformers any schemes you may unearth.

"Forewarned is forearmed."

CHAIRMAN CAMPBELL [NOT] INTIMIDATED.—The following extract from a newspaper was sent to Mr. W. M. Cambell, the chairman of the Railroad Committee, and he was asked of the truth of it:

"During the session of the last Legislature, a conductor on the Santa Fé road came to the chairman of the House Railroad Committee, and told him flatly that if he reported the bill that the committee had prepared, he would never hold office again in Kansas. And yet Governor Humphrey, knowing this fact, afterward appointed him one of the railroad commissioners."

Following is a portion of his reply:

ANTRIM, STAFFORD COUNTY, KAS., }
June 12, 1891. }

Prof. C. Vincent: Your letter at hand. In answer will say, that during the pendency of House bill 743, Mr. Mitchell came to me in the House, and gave me to distinctly understand that he was at the head of 40,000 railroad employés, and if I wanted office again I had better let up on legislation touching the reduction of freight rates. I cannot now give his exact language, but it was very emphatic. This is the gist of it: If I wanted to hold office again, I must not urge legislation for the reduction of freight rates. You can use this as you may desire.

Yours truly,

W. M. CAMPBELL.

HENRY BOOTH'S RECORD.

In Chapter II, Mr. Kimball quotes Henry Booth's testimony in reference to the whereabouts of C. A. Henrie, on October 18, 1888. This raises the question of Mr. Booth's credibility as a witness. He belongs to a party whose

leaders boldly claim they lie for political effect, and this is a political investigation. If Mr. Booth is found unworthy of trust in one place, it certainly will affect his credibility in such a case as the Coffeyville dynamite investigation.

Henry Booth was in the United States land office at Larned, Kansas, prior to 1885. The crookedness of his deals was so notorious that a Republican inspector (Hobbs) was sent out by a Republican administration (Arthur's) to investigate. A portion of the records were burned in the office, it is believed to cover his tracks and hinder or prevent an examination into the condition of the office. After the report recommending removal was filed, Mr. Booth was kept in office (supposedly by the influence of Senator P. B. Plumb, with whom he was on intimate terms) until after the close of President Arthur's term, when he sent in his resignation. The record was then looked up and he was not allowed to resign, but was removed for cause. Following are some newspaper comments on this matter, from a weekly newspaper published in Larned at the time of the irregularities:

From the Larned *Weekly Optic*, of August 8, 1884:

"It remains to be seen whether Henry Booth can 'stand off' Mr. Hobbs, who is here at present looking up the crookedness of his office, like he has all former Government officials sent here for that purpose.

"There is not a more corrupt official in the employ of the Government today than Henry Booth, and if Mr. Hobbs does his duty like a man, as we believe he will, he will find ample evidence to justify this opinion.

"His official career has been one long series of pilferings from the people, in the shape of excessive charges, etc."

From the Larned *Weekly Optic*, of August 15, 1884:

"Henry Booth's stealings from the people of this land district during the last year are variously estimated at from fifteen hundred to five thousand dollars.

"He hopes to retain his position by refunding this stolen money, but it remains to be seen whether the administration will keep a convicted thief in its employ.

"If honesty is one of the essentials in the civil service, Booth will have to go."

Another from the same paper, same date:

"A PUBLIC PLUNDERER.—As predicted in our last issue, the investigation into the crookedness of Henry Booth, receiver of the Larned land office, by Special Agent Hobbs, has stamped Mr. Booth as a public plunderer of no small magnitude, and his removal from the office he has so long used to cover his speculations and public robbery is no longer a question of doubt. Special Agent Hobbs seems to be doing his whole duty, and the boasted political influence of Mr. Booth cannot save him from disgraceful removal from the public service on the charge of extortion and speculation.

"His inordinate and selfish greed has led him into dishonest ways and practices that, when publicly known, will not only astonish his friends, but will cause men whom he has ruthlessly followed with his malice and hate to pity him in his ignominious abasement.

"He has carried forward his system of public robbery with a high hand and

an unscrupulous purpose—his extortions from the people aggregating thousands of dollars, for which he will be called upon by the department to make restitution to the people whom he has robbed.

"In fact, he has already commenced to 'refund,' under the stern mandate of executive authority, the money he has illegally extorted from men whom he has systematically robbed in the matter of excessive and illegal fees, and it is believed that all or nearly all will be received from him or his bondsmen.

"The investigation has developed that he has charged as high as four hundred per cent. in excess of legal fees in hundreds of cases, for which he has made no account to the Government, and for which his removal from office is made mandatory under section 2242, Revised Statutes of the United States, which provides as follows:

"No register or receiver shall receive any compensation out of the treasury for past services, who has charged or received illegal fees; and on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office."

"Not satisfied with the large salary legally allowed him, Mr. Booth has wholly disregarded this provision of law to advance his own pecuniary interests, seemingly reckless of consequences, and holding at naught, alike honor, his official oath, and the rights of the public. He should be removed immediately, and an honest man appointed to his place."

From the Larned *Eagle-Optic* of July 17, 1885:

"A DISGRACED PUBLIC OFFICER.—The Hon. Henry Booth, who has served the people of this land district honorably and well as receiver of public moneys at the Larned land office, and who, by reason of the fact that he is a Republican, now awaits the arrival of Mr. Bickle's (his successor) commission, when he will step down and out."

Referring to the above paragraph, the Kinsley *Mercury* had this to say:

"Henry Booth does not 'step down and out' because he is a Republican, but because he has been detected and exposed as a dishonest public official. He 'stepped down and out' under charges of the most serious character. Instead of 'serving the people of this land district honorably and well as receiver of public money,' he has abused his public trust and violated his official oath by systematically robbing and swindling the public in collecting and appropriating to his own use illegal and excessive fees, as receiver of public money.

"In short, he has been kicked out of the office he has dishonored and disgraced upon charges made and sustained upon investigation, and stands before the public to-day as a convicted but unimprisoned criminal. His retention in office for the past year, through the influence of the political boss whose pliant tool he was, has been a public scandal and disgrace. When detected and exposed by the *Optic* a year ago, he made restitution to the victimized public of a portion of the fees illegally extorted, but, if we are correctly informed, still has a large amount of money which he has illegally extorted from the people, and which he has not restored. As we predicted months ago, Henry Booth retires from public office dishonored and disgraced; guilty as a public officer of extorting excessive and illegal fees, and using public property for private use.

"He 'steps down' and into his political grave unhonored, unwept, and unsung, his past public record hanging as a mill-stone about his neck, an incubus never to be removed."

The name of Henry Booth has been, in Republican circles, a sort of magic. He has been called the man of destiny, and he was held up as a shining example for young men to follow. We have taken some trouble to look up his record, and have partially succeeded, not because we owe him any personal ill will, but because he was chairman of the Republican Central Committee in the fall of 1888—the dynamite campaign. He, Hutchins, Henrie, Greer, *et al.*, were the principal conspirators, the true inside details of which conspiracy will probably never be known, for Republican managers never tell on each other.

“AGE-OF-CONSENT” BILL.

For use in succeeding Senatorial elections, we here insert the (in)famous bill that passed the Senate in 1889, to give the bestial propensities of Senators and their friends satisfaction without becoming amenable to the “law.”

[Senate bill No. 35, passed by the Senate, 1889, but defeated by the House.]

AN ACT relating to offenses against the persons of individuals, and amendatory of and supplemental to chapter 150 of the Laws of Kansas of 1887, approved March 4, 1887.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 1 of chapter 153 of the Laws of Kansas of 1887, approved March 4, 1887, being an act entitled “An act regulating crimes and punishments, amendatory of sections 31 and 32 of chapter 31 of the General Statutes of 1868,” is hereby amended so as to read as follows:

SECTION 1. Every male person who shall forcibly ravish any female person under fifteen years of age, shall be deemed guilty of rape, and shall upon conviction, be punished by imprisonment in the penitentiary for a term of not less than ten years nor more than twenty-five years; and any male person who shall forcibly ravish any woman of the age of fifteen years or upwards, shall be deemed guilty of rape, and upon conviction, shall be punished by imprisonment in the penitentiary for a term of not less than five years nor more than twenty years.

SEC. 2. Every male person who, without forcibly ravishing, shall carnally know any female person of good repute (other than his wife) over the age of twelve years, and under the age of sixteen (16) years, shall be deemed guilty of rape, and upon conviction, shall be punished by imprisonment in the penitentiary for a term not less than five years nor more than ten years.

SEC. 3. No unmarried female person under twelve years of age can consent to sexual intercourse; nor is it competent in any prosecution for rape to admit evidence of the ill-repute of any female person who is under the age of twelve years, and every male person who shall carnally know any female person under the age of twelve years shall be deemed guilty of rape, and upon conviction thereof, shall be punished by imprisonment in the penitentiary of the State for a term of not less than fifteen years nor more than thirty years.

SEC. 2. Section 2 of said chapter 150 of the Laws of Kansas, 1887, approved March 4, 1887, is hereby amended so as to read as follows:

SEC. 4. Every male person who shall administer to any female person any substance, liquid, or (any) potion, by inhalation or otherwise, shall produce stupor, or imbecility of any kind, or weakness of body, so as to prevent effectual resistance, or who shall cause or procure to be administered to any female person, any substance, liquid or potion, and shall by means thereof have and obtain criminal knowledge of any woman, or enable any other person to have such knowledge, shall be deemed guilty of rape, and upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term of not less than five years nor more than twenty years.

SEC. 3. That said original sections 1 and 2 of said chapter 150 of the Laws of Kansas of 1887, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the official State paper.

Below will be found the list of the State Senators who voted to reduce the age of consent from 18 to 12 years. All women, and the friends of women everywhere, well know that this was an infamous vote:

Yeas.

Senator BENTLEY, Republican, Sedgwick county.
Senator BERRY, Republican, Marshall county.
Senator BUCHAN, Republican, Wyandotte county.
Senator CARROLL, Democrat, Leavenworth county.
Senator CARROLL, Republican, Miami county.
Senator ELLISTON, Republican, Atchison county.
Senator EMERY, Republican, Nemaha county.
Senator GILLET, Republican, Kingman county.
Senator HARKNESS, Republican, Clay county.
Senator HAYES, Republican, Osborne county.
Senator HOWARD, Republican, Douglas county.
Senator JOHNSON, Republican, Jefferson county.
Senator KELLEY, Republican, Crawford county.
Senator KELLY, Republican, McPherson county.
Senator KIMBALL, Republican, Labette county.
Senator KIRKPATRICK, Republican, Wilson county.
Senator LOCKARD, Republican, Norton county.
Senator McTAGGART, Republican, Montgomery county.
Senator MARTIN, Republican, Bourbon county.
Senator MECHEM, Republican, Jewell county.
Senator MOHLER, Republican, Saline county.
Senator MOODY, Republican, Linn county.

Yeas (continued).

Senator NORTON, Republican, Cherokee county.
Senator OSBORN, Republican, Shawnee county.
Senator SCHILLING, Republican, Brown county.
Senator SENIOR, Republican, Coffey county.
Senator WILSON, Republican, Ellis county.

Nays.

Senator CHAPMAN, Republican, Barton county.
Senator FORNEY, Republican, Sumner county.
Senator PRICE, Republican, Clark county.
Senator RANKIN, Republican, Osage county.
Senator ROE, Republican, Elk county.
Senator SWEARNGIN, Republican, Cloud county.
Senator TUCKER, Republican, Greenwood county.
Senator WOODWARD, Republican, Woodson county.
Senator WRIGHT, Republican, Davis county.

Absent or not voting.

Senator KING, Republican, Cowley county.
Senator MURDOCK, Republican, Butler county.
Senator RUSH, Republican, Pawnee county.

CHAPTER V.

MORTGAGE INDEBTEDNESS.

So much has been said about the mortgage indebtedness of Kansas, that a few authentic *facts* may not come amiss. We have not taken any floating newspaper reports, but for this purpose have selected only those whose accuracy is unquestioned, all accompanied by the names of the parties compiling them.

MARSHALL COUNTY MORTGAGES.—Mr. J. B. Winkler furnishes the following statement:

MARYSVILLE, KANSAS, January 1, 1891.

The following is a correct statement of the mortgaged indebtedness of Marshall county, Kansas, to the above date:

Total indebtedness	\$2,372,370
The assessed valuation of the property mortgaged.....	1,270,135
The average amount of the mortgages.....	942.17
Whole number of farm mortgages upon the records.....	2,518
Number of foreclosure sales during the last five years... .	80
Number of foreclosure suits now pending	22
Total number mortgages released during past five years...	2,478
Number actually released.....	151
Number released by foreclosures.....	51
Number mortgages released by conveyancing to grantees..	21

I, J. B. Winkler, abstractor in and for Marshall county and State of Kansas, do hereby certify the foregoing to be a true and correct statement of the total mortgaged indebtedness and assessed valuation of the property mortgaged therein, and releases of mortgages, and as further stated herein.

Witness my hand, this 6th day of February, 1891.

[SEAL.]

J. B. WINKLER, *Abstracter*.

MIAMI COUNTY MORTGAGES.—Mr. J. P. Dismore furnishes the following statement:

I have to present the following report, viz.:

Total number farm mortgages in Miami county.....	2,205
Total number city and town mortgages now in force.....	922
Total amount farm mortgages now in force.....	\$2,092,699 00
Total amount all town and city mortgages now in force.....	508,094 00
Total value all real estate mortgages in Miami county.....	2,600,793 00
Total assessed valuation mortgaged real estate in county.....	2,117,632 80
Average amount farm mortgages.....	949 06
Average amount town or city mortgages.....	616 15

Total amount chattel mortgage indebtedness now in force.....	\$489,178 83
Total assessed valuation all property in county, including rail- ways, water-works, etc.....	4,534,605 78
Total assessed valuation of railroads, exclusive of the Pullman Car Company.....	698,187 39
Actual assessed valuation real estate and personal property....	3,836,418 39

Total indebtedness may be summarized as follows:

Farm mortgages.....	\$2,092,699 00
Town and city mortgages.....	568,094 00
Chattel mortgages.....	489,178 83
Notes in bank (estimated).....	757,000 00
Total.....	\$3,906,971 83

Excess of indebtedness over assessed valuation, without men- tioning personal or floating indebtedness, other than those recorded above.....	\$70,553 44
--	-------------

J. P. DISMORE, *Abstracter*, Paola, Kansas.

LYON COUNTY MORTGAGES.—The following is an official report of a committee appointed by Lyon County Alliance:

“On the 14th day of August, 1890, at a regular meeting of the Lyon County Alliance, J. L. Williams and T. S. Gallagher were appointed to make a correct abstract of the mortgage indebtedness of Lyon county, Kansas; and on the 6th day of September said committee made their report to the County Alliance, giving a full and complete statement of their work and summary of mortgage indebtedness. The report was received and ordered published in the *Emporia Standard*, but not having been published in full, was sent to the *Nonconformist*. This committee spent fourteen days, each of ten hours' length, hard work, examining the county records; and when taking into account the fact that Lyon county is claimed to be, and probably is, one of the most prosperous in the State, according to age, location, and population, this report, all of which is true, appears terrible. J. L. WILLIAMS.”

Number of uncanceled real-estate mortgages, from January 1, 1885, to September 1, 1890: First mortgages, 4,555; second mortgages, 915; total, 5,470; encumbering 3,376 town and city lots and 329,432 acres of farming and other lands, and calling for the sum of \$3,724,630 of first mortgages, and for the sum of \$186,863 of second mortgages on farming and other lands; and for the sum of \$1,198,798, first mortgages on town and city lots; making a total of \$5,110,291 of uncanceled real-estate mortgages from January 1, 1885, to September 1, 1890, a period of five years and eight months. Chattel mortgages filed for record from January 1 to September 1, 1890, 1,290; number of same released during the same time, 179; number unreleased, 1,111; calling for the sum of \$478,369. Whole number of unsatisfied mortgages, real and chattel, 6,581; amount of same, \$5,588,660.

The following shows the percentage of indebtedness to assessed valuation for 1890:

Number of acres of uncultivated lands.....	364,000
Number of acres of cultivated lands.....	141,673
Total	505,673

Assessed valuation of lands.....	\$3,334,936
Assessed valuation of town lots	1,790,896
Assessed valuation of personal property.....	1,367,058
Assessed valuation of railroads.....	806,114

Total.....	\$7,299,604
------------	-------------

Mortgaged lands	66 per ct.
Mortgaged town lots.....	22 “
Ratio of indebtedness to total assessed valuation.....	76.25 “
Ratio of real-estate mortgages to assessed valuation.....	100 “
Ratio of chattel mortgages to assessed valuation of personal property.....	34.25 “

Railroad indebtedness is not included in any part of this report.

The committee made the following statement for the period between January 1, 1880, and January 1, 1885, no part of which is taken into account in the foregoing statement, viz.: Number of mortgages uncanceled, 713; amount, \$367,183.

Noah Allen, of Wichita, is authority for the statistics from the following four counties. The returns are not in detail, being taken from his pocket memoranda just before going to press, and hence we were unable to secure the itemized statement:

SEDGWICK COUNTY.—Farm mortgages	\$4,241,863 56
City mortgages.....	14,633,407 00
Chattel mortgages.....	1,491,159 00

Total.....	\$20,366,429 56
------------	-----------------

During the three years prior to last February, there were 2,512 mortgages foreclosed in Sedgwick county:

HARPER COUNTY.—Farm mortgages	\$4,774,940 56
PRATT COUNTY.—Farm mortgages (about).....	2,700,000 00
MARION COUNTY.—Farm mortgages (about).....	4,000,000 00

SUMMARY of real-estate mortgages as above:

Marshall county.....	\$2,372,370 00
Miami county.....	2,600,793 00
Lyon county.....	5,110,291 00
Sedgwick county (farm alone).....	4,241,863 56
Harper county “ “	4,774,940 56

Pratt county (about).....	\$2,700,000 00
Marion county “	4,000,000 00
Total.....	<u>\$25,800,258 12</u>
Average.....	<u>\$3,685,751 16</u>
Total for State (106 counties).....	\$390,689,622 96

Owing to the sparsely-settled condition of the west, this is manifestly not strictly a fair estimate for the entire State. Deducting for this cause one-third, and we still have for the mortgage indebtedness of Kansas, \$260,459,-748.64.

OFFICIAL STATEMENT OF KANSAS MORTGAGE INDEBTEDNESS, CENSUS OF 1890.—Since making the above estimate, based on seven counties, the census report for Kansas indebtedness has been published, from which we find the amount to be \$235,485,108.00. The census returns also show, that the rate of interest ranges from ten to *seventy* per cent. Of course the higher rates are not general, and, for the purposes of the following computation, it will be assumed that the rate averages eight per cent. This rate will give *an annual interest drain from real-estate mortgages alone of \$18,838,808.64.*

To pay *this portion* of Kansas' interest bills in wheat at 70 cents per bushel requires 26,912,583.7 bushels. At 400 bushels per car, it will require to transport this *tribute* to market 67,281+ cars. At 25 cars to the train, it will necessitate the use of 2,691+ trains. The distance from San Francisco to Chicago via the Santa Fé railroad is 2,557 miles. Therefore, if the *interest tribute* of Kansas, on her *real estate* indebtedness alone, were placed in wheat as above, and the trains were placed one mile apart on the track for safety, a space of track would be occupied *from San Francisco to a point 134 miles east of Chicago.*

ANNUAL TRIBUTE MEASURED IN CORN.—The same annual tribute in corn, at 25 cents per bushel, would amount to 75,355,234.56 bushels; at 400 bushels per car, 188,388 cars. Allowing 35 feet for a car and coupling, we have *over three solid train loads of corn across Kansas from east to west.* REMEMBER, this is only the *interest* on the *real-estate* mortgage debts, and does not count that on railroad bonds, county bonds, city bonds, township bonds, chattel mortgages, or personal indebtedness represented in other forms. How can Kansas pay her interest money—to say nothing of principal?

In one county in southeastern Kansas, a gentleman made inquiry *how* the mortgages lifted were being met. He ascertained that three sources contributed toward the cancellation of a considerable number of mortgages during the summer of 1891. They were as follows:

1st. Sums received for arrears of pensions. It is a very noticeable fact,

that ever since Kansas became a doubtful Republican State, pensions have been pouring in to her citizen old soldiers that heretofore could get no notice paid to their claims; and they came very handy with which to pay off a mortgage, so the Republican press and speakers may herald the "good times" abroad in "special telegrams."

2d. Legacies from deceased friends.

3d. Foreclosure proceedings, ending in transfer of the property.

Not a single mortgage in that county was lifted with the proceeds of a crop from the land.

The suggestion is here made that officers of the party committees everywhere ascertain exactly the sources from which payments are made on so-called canceled mortgages.

SUB-TREASURY SYSTEM.

The Sub-Treasury Plan is now attracting such universal attention and comment, that we here reproduce the report of the committee at the St. Louis conference, in December, 1890, as follows:

"We, your Committee on the Monetary System, beg to submit the following report, and recommend that 50,000 copies of this report, with complete arguments in support of the same, be published and distributed to the members of our order and to the country, under the supervision of the *National Economist*, provided the printing and distribution shall be done at actual cost by said journal, to be paid on the 20th day of November, 1890.

C. W. MACUNE.

L. L. POLK.

L. F. LIVINGSTON.

W. S. MORGAN.

H. S. P. ASHBY."

REPORT OF THE COMMITTEE ON THE MONETARY SYSTEM.—The financial policy of the General Government seems to-day to be peculiarly adapted to further the interests of the speculative class at the expense and to the manifest detriment of the productive class, and while there are many forms of relief offered, there has up to the present time been no true remedy presented which has secured a support universal enough to render its adoption probable. Neither of the political parties offers a remedy adequate to our necessities, and the two parties that have been in power since the war have pursued practically the same financial policy. The situation is this: The most desirable and necessary reform is one that will adjust the financial system of the General Government so that its provisions cannot be utilized by a class, which thereby becomes privileged, and is in consequence contrary to the genius of our Government, and which is to day the principal cause of the depressed condition of agriculture. Regardless of all this, the political parties utterly

ignore these great evils, and refuse to remove their cause; and the importunities of the privileged class have, no doubt, often led the executive and legislative branches of the Government to believe that the masses were passive, and reconciled to the existence of this system whereby a privileged class can, by means of the power of money to oppress, exact from labor all that it produces except a bare subsistence. Since, then, it is the most necessary of all reforms, and receives no attention from any of the prominent political parties, it is highly appropriate and important that our efforts be concentrated to secure the needed reform in this direction, provided all can agree upon such measures. Such action will in no wise connect this movement to any partisan effort, as it can be applied to the party to which each member belongs.

In seeking a true and practical remedy for the evils that now flow from the imperfections in our financial system, let us first consider what is the greatest evil, and on what it depends. The greatest evil, the one that outstrips all others so far that it is instantly recognized as the chief, and known with certainty to be more oppressive to the productive interests of the country than any other influence, is that which delegates to a certain class the power to fix the price of all kinds of produce, and of all commodities. This power is not delegated directly, but it is delegated indirectly, by allowing such class to issue a large per cent. of the money used as the circulating medium of the country, and having the balance of such circulating medium, which is issued by the Government, a fixed quantity that is not augmented to correspond with the necessities of the times. In consequence of this, the money issued by the privileged class, which they are at liberty to withdraw at pleasure, can be and is so manipulated as to control the volume of circulating medium in the country sufficiently to produce fluctuations in general prices at their pleasure. It may be likened unto a simple illustration in philosophy: The inflexible volume of the Government issue is the fulcrum, the volume of the bank issue is the lever power, and price is the point at which power is applied; and it is either raised or lowered with great certainty to correspond with the volume of bank issue. Any mechanic will instantly recognize the fact that the quickest and surest way of destroying the power of the lever to raise or lower price is to remove the resistance offered by the fulcrum — the inflexible volume of Government issue. The power to regulate the volume of money so as to control price is so manipulated as to develop and apply a potent force, for which we have in the English language no name; but it is the power of money to oppress, and is demonstrated as follows: In the last four months of the year, the agricultural products of the whole year having been harvested, they are placed on the market to buy money. The amount of money necessary to supply this demand is equal to many times the actual amount in circulation. Nevertheless, the class that controls the volume of the circulating medium de-

sire to purchase these agricultural products for speculative purposes, so they reduce the volume of money by hoarding, in the face of the augmented demand, and thereby advance the exchangeable value of the then inadequate volume of money, which is equivalent to reducing the price of the agricultural products. True, agriculturists should hold their products, and not sell them at these ruinously-low prices. And no doubt they would if they could, but to prevent that, practically all debts, taxes and interests are made to mature at that time, and they being forced to have money at a certain season when they have the product of their labor to sell, the power of money to oppress by its scarcity is applied, until it makes them turn loose their products so low that their labor expended does not average them fifty cents per day.

This illustrates the power of money to oppress; the remedy, as before, lies in removing the power of the fulcrum—the inflexible Government issue—and supplying a Government issue the volume of which shall be increased to correspond with the actual addition to the wealth of the nation presented by agriculture at harvest time, and diminished as such agricultural products are consumed. Such a flexibility of volume would guarantee a stability of price, based on cost of production, which would be compelled to reckon the pay for agricultural labor at the same rates as other employments. Such flexibility would rob money of its most potent power—the power to oppress—and place a premium on productive effort. But how may so desirable a result be secured? Let us see. By applying the same principles now in force in the monetary system of the United States, with only slight modifications in the details of their execution. The Government and the people of this country realize that the amount of gold and silver, and the certificates based on these metals, do not comprise a volume of money sufficient to supply the wants of the country, and in order to increase the volume the Government allows individuals to associate themselves into a body corporate, and deposit with the Government bonds which represent national indebtedness, which the Government holds in trust, and issues to such corporation paper money equal to 90 per cent. of the value of the bonds, and charges said corporation interest at the rate of 1 per cent. per annum for the use of said paper money. This allows the issue of paper money to increase the volume of the circulating medium on a perfectly safe basis, because the margin is a guarantee that the banks will redeem the bonds before they mature. But now we find that the circulation secured by this method is still not adequate; or, to take a very conservative position, if we admit that it is adequate on the average, we know that the fact of its being entirely inadequate for half the year makes its inflexibility an engine of oppression, because a season in which it is inadequate must be followed by one of superabundance in order to bring about the average, and such a range in volume means great fluctuations in prices which cut

against the producer, both in buying and selling, because he must sell at a season when produce is low, and buy when commodities are high. The system, now in vogue by the United States Government, of supplementing its circulating medium by a safe and redeemable paper money, should be pushed a little further and conducted in such a manner as to secure a certain augmentation of supply at the season of the year in which the agricultural additions to the wealth of the nation demand money, and a diminution in such supply of money as said agricultural products are consumed. It is not an average adequate amount that is needed, because under it the greatest abuses may prevail, but a certain adequate amount that adjusts itself to the wants of the country at all seasons. For this purpose let us demand that the United States Government modify its present financial system:

1. So as to allow the free and unlimited coinage or the issue of the silver certificates against an unlimited deposit of bullion.

2. That the system of using certain banks as United States depositories be abolished, and in place of said system establish in every county in each of the States that offers for sale during the year five hundred thousand dollars worth of farm products, including, wheat, corn, oats, barley, rye, rice, tobacco, cotton, wool, and sugar, all together, a Sub-treasury office, which shall have in connection with it such warehouses or elevators as are necessary for carefully storing and preserving such agricultural products as are offered it for storage, and it should be the duty of such Sub-treasury Department to receive such agricultural products as are offered for storage, and make a careful examination of such products and class same as to quality, and give a certificate of deposit showing the amount and quality, and that United States legal-tender paper money, equal to 80 per cent. of the local current value of the products deposited, has been advanced on same on interest at the rate of 1 per cent. per annum, on condition that the owner, or such other person as he may authorize, will redeem the agricultural product within twelve months from the date of the certificate, or the trustees will sell same at public auction to the highest bidder for the purpose of satisfying the debt. Besides the 1 per cent. interest, the sub-treasurer should be allowed to charge a trifle for handling [and storage, and a reasonable amount for insurance, but the premises necessary for conducting this business should be secured by the various counties donating to the General Government the land, the Government building the very best modern buildings, fire-proof and substantial. With this method in vogue, the farmer, when his product was harvested, would place it in storage where it would be perfectly safe, and he would secure four-fifths of its value to supply his pressing necessity for money at 1 per cent. per annum. He would negotiate and sell his warehouse or elevator receipt whenever the current price suited him, receiving from the person to whom he sold only the

difference between the price agreed upon and the amount already paid by the sub-treasurer. When, however, these storage certificates reached the hand of the miller or factory, or other consumer, he to get the product would have to return to the sub-treasurer the sum of money advanced, together with the interest on same and the storage and insurance charges on the product. This is no new or untried scheme; it is safe and conservative; it harmonizes and carries out the system already in vogue on a really safer plan, because the products of the country that must be consumed every year are really the very best security in the world, and with more justice to society at large. For a precedent, attention is called to the following:

In December, 1848, the *London Times* announced the inevitable failure of the French republic and disintegration of French society in the near future, but so wise was the administration of the statesmen of that nation, that two months later it was forced to eat its own words—saying in its columns, February 16, 1849:

“As a mere commercial speculation, with the assets which the bank held in hand it might then have stopped payment and liquidated its affairs with every probability that a very few weeks would enable it to clear off its liabilities. But this idea was not for a moment entertained by M. D’Argout, and he resolved to make every effort to keep alive what may be termed the circulation of the life-blood of the community. The task was overwhelming. Money was to be found to not only meet the demands on the bank, but the necessities, both public and private, of every rank in society. It was essential to enable the manufacturers to work, lest their workmen, driven to desperation, should fling themselves among the most violent enemies of public order. It was essential to provide money for the food of Paris, for the pay of troops, and for the daily support of the industrial establishments of the nation. A failure on any one point would have led to a fresh convulsion, but the panic had been followed by so great a scarcity of the metallic currency that, a few days later, out of a payment of 26,000,000 fallen due, only 47,000 francs could be recovered in silver.

“In this extremity, when the bank alone retained any available sums of money, the government came to the rescue, and on the night of the 15th of March, the notes of the bank were, by a decree, made a legal tender, the issue of these notes being limited in all to 350,000,000, but the amount of the lowest of them reduced for the public convenience to 100 francs. One of the great difficulties mentioned in the report was to print these 100-franc notes fast enough for the public consumption. In ten days the amount issued in this form had reached 80,000,000 francs.

“To enable the manufacturing interests to weather the storm at a moment when all the sales were interrupted, a decree of the national assembly had directed warehouses to be opened for the reception of all kinds of goods, and provided that the registered invoice of the goods so deposited should be made negotiable by indorsement. The Bank of France discounted these receipts. In Havre alone eighteen millions were thus advanced on colonial produce, and in Paris fourteen millions on merchandise; in all, sixty millions were made available for the purposes of trade. Thus the great institution had placed it-

self as it were in direct contact with every interest of the community, from the minister of the treasury down to the trader in a distant outpost. Like a huge hydraulic machine, it employed its colossal powers to pump a fresh stream into the exhausted arteries of trade to sustain credit and preserve the circulation from complete collapse.—From the Bank Charter Act, and the Rate of Interest, London, 1873.”

This is proof positive and a clear demonstration in 1848 what this system could accomplish when a necessity existed for resorting to it. But since that time every conceivable change has tended toward rendering such a system easier managed and more necessary. The various means of rapid transportation and the facilities for the instantaneous transmission of intelligence make it no disadvantage for the produce of a country to be stored at home until demanded for consumption, and the great savings that will follow the abolition of local shipments shows what great economy such a system is. In this day and time, no one will for a moment deny that all the conditions for purchasing and sale will attach to the Government certificates showing amount, quality and running charges that attach to the product.

The arguments sustaining this system will present themselves to your minds as you ponder over the subject. The one fact stands out in bold relief, prominent, grand, and worthy the best efforts of our hearts and hands, and that is, “this system will emancipate productive labor from the power of money to oppress,” with speed and certainty. Could any object be more worthy? Surely not, and none could be devised that would more enlist your sympathies.

Our forefathers fought in the Revolutionary War, making sacrifices that will forever perpetuate their names in history, to emancipate productive labor from the power of a monarch to oppress. Their battle cry was “Liberty.” Our monarch is a false, unjust and statutory power given to money, which calls for a conflict on our part to emancipate productive labor from the power of money to oppress. Let the watchword again be “Liberty!”

The plan received a strong indorsement from the Supreme Council, at Ocala, Florida, in December, 1890. May 19, 1891, a reform conference was held in Cincinnati, and a platform adopted as a basis of the great new People’s Party. There were over 1,400 delegates present, and the Sub-treasury Plan received a unanimous indorsement as one of the planks of that platform. The bills presented in the Fifty-first Congress are not before the public for discussion; they are a thing of the past. The principles involved in the report of the Committee on Monetary System are what the so-called Sub-treasury advocates contend for, and therefore the examination of those principles is all that is now necessary in a Sub-treasury treatise or argument.

The opponents of the Sub-treasury System claim that it is a violation of section 20 of the amendments to the constitution, as follows:

"The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

On the other hand, it is claimed to be constitutional, under sections 8 and 10 of the constitution.

In section 8, among other powers conferred by that instrument, we find the following:

The Congress shall have power "to pay the debts and provide for the common defense and general welfare of the United States; to borrow money on the credit of the United States; to coin money, regulate the value thereof; . . . and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States." . . .

Section 10 provides that *no State* shall "make anything but gold and silver a tender in payment of debts."

It thus appears, and the Supreme Court has so decided, that the only source of the money supply is the legislative power—Congress.

The duty to provide the money for the nation carries with it the duty to provide enough to satisfy the demands of trade.

The duty to supply the money and to furnish enough of it *carries with it, also, the duty of distributing it when and where most needed.* This is never questioned when Wall street is in a panic, or suffering from a scarcity of funds. Under such circumstances the treasury is always called on, and it never fails to respond to that cry of distress.

It is just as legitimate to furnish relief to the West as to the East, and the question of method is the only one to be discussed. The opponents of the Sub-treasury System have not yet cited the country to a plan that would do the work and eliminate the features they object to. The supporters of the measure will readily adopt some other method, if one is produced that will do the work as well and as cheaply and certainly as this.

A full discussion of the Sub-treasury System, as proposed by the Farmers' Alliance, is found in Vol. I, No. 6, "Library of National Economist Extras," for sale at this office; price 15c.

CONSTRUCTION AND CAPITALIZATION OF UNION PACIFIC RAILWAY COMPANIES.

[See page 137, Report of the United States Pacific Railway Commission.]

"To guard against possible abuses of these great powers, and to insure good management and personal responsibility, Congress enacted that, in return for the nation's liberality, the companies should bind themselves to have

their stock fully paid in cash, and that they should bind themselves also to build first-class roads; to carry for the Government at fair and reasonable rates (not exceeding the amounts paid by private parties for the same kind of service), and to operate all the lines in the Pacific system as one connected, continuous line, affording to each of the other roads equal facilities as to rates, time, and transportation, and to convey telegraphic messages upon equal terms for all persons. They were also bound to make annual reports, giving the names of their directors and officers and stockholders, and information bearing upon the amount of stock actually paid in, and upon expenditures, receipts, and indebtedness."

With these legal obligations and covenants resting upon them, what did these companies do? The Union Pacific Railroad Company actually received in cash, on account of stock payments, the sum of only \$400,650, while it issued stock in the amount of \$36,762,300.

The Union Pacific (1,038.68 miles) was built for \$38,824,000, and the company issued bonds and stocks, as follows:

First mortgage bonds.....	\$27,237,000
United States bonds.....	27,236,512
Land-grant bonds.....	9,224,000
Income bonds.....	9,355,000
Stock.....	36,762,300
Total.....	\$109,814,812
Cost of construction.....	38,824,000
Fictitious capital.....	\$70,990,812

On page 138, same report, we find the following:

The testimony taken by the Wilson committee showed that G. M. Dodge had been given, for services in procuring the passage of the act of March 3, 1871, \$24,500; that C. S. Bushnell had paid to T. A. Scott, on private account, \$19,000; that C. S. Bushnell had retained \$82,500; that there was paid to Governor Jno. A. Dix, as a purchase by the railroad company of his stock, \$50,000; that there was paid to C. Windell, for signing the report accepting a section of the road, \$25,000; and that an allowance was made to T. C. Durant of \$435,750.21 for expenses in passing through Congress the amendatory act of July 2, 1864.

Again:

The Central Pacific actually received less than \$760,000 in cash and bonds on account of stock subscription, while it issued stock to the amount of \$54,000,000.

The Central Pacific and Western Pacific aided portions (806.66 miles) were built for \$40,000,000, for which bonds and stocks were issued by Messrs. Le-

land Stanford, C. P. Huntington, Mark Hopkins, and Charles Crocker, or under their direction, as follows:

Bonds.....	\$70,211,680
Stock.....	54,000,000
Total issue of bonds and stocks.....	\$124,211,680
Cost of construction.....	40,000,000
Fictitious capital.....	\$84,211,680

Again, page 140:

From the minutes and accounts of the railroad companies, and from fragmentary information gathered from various sources, it is disclosed, that the officers of at least three of these companies made false statements under oath, in affidavits now on file in the Interior Department. From these affidavits, the following has been compiled:

STOCK TABLE.

<i>Company.</i>	<i>Stock actually paid in.</i>	<i>Stock paid in as sworn to.</i>	<i>Names of deponents.</i>	<i>Date of affidavit.</i>
Union Pacific...	\$400,650	\$36,762,000	Oliver Ames....	Sept. 27, 1870
Kansas Pacific...	250,000	5,072,500	R. E. Carr.....	Sept. 28, 1872
Central Pacific..	760,000	54,283,190	Leland Stanford,	Sept. 18, 1871
Central Branch..	386,700	980,600	R. M. Pomeroy..	Sept. 21, 1869
Total.....	\$1,797,350	\$97,098,590		

In this volume there are scores of instructive tables, each of which tells its own peculiar story. Every circulating library should get it. Order Executive Document No. 51 of the Fiftieth Congress. Order from your United States Senator.

The famous (infamous) Huntington letters are found in the appendix to "Driven From Sea to Sea." (Extra A, of *Economic Quarterly*.) They show how corruption ran riot in the era of Pacific railway building.

OFFICIAL STATE DIRECTORY.

UNITED STATES SENATORS.

<i>Name.</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
PRESTON B. PLUMB.....	Emporia	Lyon.....	Republican.
WILLIAM A. PEFFER.....	Topeka.....	Shawnee...	Populist.

REPRESENTATIVES IN CONGRESS.

<i>District.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
First	CASE BRODERICK.....	Holton	Jackson....	Republican.
Second	E. H. FUNSTON.....	Carlyle.....	Allen	Republican.
Third.....	BENJ. H. CLOVER.....	Cambridge.....	Cowley.....	Populist.
Fourth.....	JOHN G. OTIS.....	Topeka.....	Shawnee....	Populist.
Fifth.....	JOHN DAVIS.....	Junction City.....	Geary.....	Populist.
Sixth.....	WILLIAM BAKER.....	Lincoln.....	Lincoln....	Populist.
Seventh.....	JEREMIAH SIMPSON.....	Medicine Lodge.....	Barber.....	Populist.
At large.. ..	.....	.....	.....	.....

CONGRESSIONAL DISTRICTS.

*Apportionment of 1883.

First. The counties of Nemaha, Brown, Doniphan, Pottawatomie, Jackson, Atchison, Jefferson, and Leavenworth.

Second. The counties of Wyandotte, Johnson, Douglas, Miami, Franklin, Anderson, Linn, Allen, and Bourbon.

Third. The counties of Crawford, Cherokee, Neosho, Labette, Wilson, Montgomery, Elk, Chautauqua, and Cowley.

Fourth. The counties of Shawnee, Wabaunsee, Osage, Lyon, Coffey, Woodson, Greenwood, Butler, Chase, Marion, and Morris.

Fifth. The counties of Marshall, Washington, Republic, Cloud, Clay, Riley, Ottawa, Saline, Dickinson, and Geary.

Sixth. The counties of Jewell, Mitchell, Lincoln, Ellsworth, Russell, Osborne, Smith, Phillips, Rooks, Ellis, Trego, Graham, Norton, Decatur, Sheridan, Gove, Logan, Thomas, Rawlins, Cheyenne, Sherman, and Wallace.

Seventh. The counties of McPherson, Harvey, Sedgwick, Sumner, Harper, Kingman, Reno,


*Under the congressional apportionment made by the Fifty-first Congress, based upon the census of 1890, Kansas is entitled to eight Representatives; and, the Legislature of 1891 failing to redistrict the State, one Congressman-at-Large will be elected in 1892.



PASSENGERS TRAVELING IN ANY DIRECTION

WILL CONSULT THEIR OWN INTERESTS

AND PROMOTE THEIR OWN COMFORT by taking the Chicago & Alton Railroad whenever that line can be used for the whole or part of a journey. The Chicago & Alton Railroad is the only completely stone-ballasted line running between the cities of St. Louis, Kansas City, and Chicago. This line has the proud record of being the first road in the world to adopt Pullman Sleeping Cars, Dining Cars, and Reclining-Chair Cars, and the first road to incorporate these three luxurious features of modern travel in vestibuled trains. The Chicago & Alton Railroad makes no extra charge for seats in its magnificent and luxurious Palace Reclining-Chair Cars, which are run in all through trains, day and night, nor for passage in any of its fast, famous and solid **VESTIBULED LIMITED TRAINS**, consisting of

New Smoking Cars, Palace Reclining-Chair Cars, Pullman Buffet Sleeping Cars, and Palace Dining Cars,  **Vestibuled.**

Running through, without change, between

St. Louis and Kansas City, Kansas City and Chicago, St. Louis and Chicago, Denver and Chicago.

Also new and superb **Pullman Parlor Buffet Cars** on day trains, and new and unequalled **Pullman Compartment Sleeping Cars** on night trains **between St. Louis and Chicago.**

The best and surest connections are made in Union Depots in St. Louis, East St. Louis, Kansas City, Chicago and Bloomington.

Ask your own Home Ticket Agent for tickets via the Chicago & Alton Railroad, and thus secure the lowest rates, the quickest time, and the best accommodations.

CHICAGO & ALTON RAILROAD TICKET OFFICES:

ST. LOUIS—216 North Broadway, near Olive Street, and Union Depot.

EAST ST. LOUIS—Relay Depot.

KANSAS CITY—814 Main Street; 1038 Union Ave. (opposite Union Depot), and Union Depot.

CHICAGO—195 South Clark Street, and West-Side Union Depot.

Information as to rates, time, connections, etc., will be cheerfully furnished on application to

D. BOWES, Gen. Western Passenger Agent,

216 North Broadway, ST. LOUIS, MO.

Brice's Financial Catechism, or Economic Quarterly, No. 1. Unquestioned authority upon the financial history and legislation of this country. A mine of financial knowledge. Price 50 cents.

Richard's Crown, or Economic Quarterly, No. 2, by Anna D. Weaver.—A thrilling story, graphically depicting the great financial schemers that are wrecking the happiness of the American producing classes. Price 50 cents.

Great Red Dragon, Economic Quarterly, No. 3, by L. B. Woolfolk.—A graphic exposition of startling facts, sustained by indisputable evidence. The most complete exposure ever written of the danger threatening the American Republic. Worth its weight in gold to every patriot. Price 50 cents.

Cæsar's Column, Economic Quarterly, No. 4, by Hon. Ignatius Donnelly. The opposite of "Looking Backward." The most thrilling story that has appeared in a decade, describing society's condition a hundred years hence, as it will be if present social and political tendencies continue. A book every American citizen should read. Price 50 cents.

Driven From Sea to Sea, Economic Quarterly, Extra A. Gen. B. F. Butler writes:—"I have given the book full perusal. It is the most timely book that has been published. Its execution is very remarkable as a piece of bookmaking. It is not a work of fiction, but exhibits startling truths that are stranger than fiction. I wish that a copy could be put in the hands of and read by every member of both branches of Congress. The second copy you sent I will send to the President with a note requesting him to read it."

Gen. Butler, in his letter to President Arthur, says: "I think it will do the same service to the country in regard to the misuse of our land system that 'Uncle Tom's Cabin' did with regard to slavery." Price, paper, 50 cents.

A Tramp in Society, Economic Quarterly, Vol. 2, No. 1. A remarkable piece of fiction based on fact. The **FARMER'S VOICE** says:—"The style of 'A Tramp in Society' is forcible, impressive and eloquent. The reader's feelings at times are wrought up to the highest pitch of indignation against oppressive wrong, amid scenes that would draw tears from eyes of stone, and then again, they are deftly turned toward other pictures, or by some trite sarcasm or optimistic banter the story is carried without a break in the intensity of its well-sustained interest. And through it all is felt the powerful influence of the lesson these scenes must teach. No fine-spun theories, no unnatural conditions are built upon. The book is as plain and practical as a business man could make it, and clearly sets forth the means by which in our day the people may receive the benefit of just conditions, if they will that it shall be so.

"The terrible oppression of the people by the land-lords and the lend-lords is depicted with such awful realism in Mr. Cowdrey's book that one is tempted to deny that such conditions can exist in free America." Price, paper, 50 cents.

Usury, by Prof. C. Vincent.—A popular lecture on the evils of the usury system, also a lecture by Ralph Beaumont on the issues of the day. Both combined, 20 cents.

History of the Agricultural Wheel and Farmer's Alliance, by W. S. Morgan.—A large illustrated volume of 778 pages. The most complete history of these great organizations that has ever appeared. Price \$2.25.

Mable Raymond's Resolve; or, Perfect Motherhood.—A splendid story by Lois Waisbrooker, showing the effects upon the race, for good or evil, of the mother's surroundings. Price \$1.50.

Papa's Own Girl, by Marie Howland.—An intensely interesting story, exposing society's foibles and presenting a masterly argument for co-operative effort. Price \$1.00.

300,000 ARE SINGING FROM THE ALLIANCE AND LABOR SONGSTER!

The demand for this little book was so very heavy that the publishers have now completed a beautiful **MUSIC EDITION**, revised and enlarged, in superior style, and furnished in both paper and board covers. This is far the largest songster in the market for the price, and the carefully prepared index enables both word and number editions to be used together. The Music Edition resembles in appearance and size Gospel Hymns. More of these books are in use than any other Labor Songster published, and since the endorsement by the **NATIONAL COUNCIL AT OCALA, FLORIDA**, the demand is simply wonderful. With largely increased facilities for publishing, all orders can be filled the same day received, whether by the dozen or thousand. Price, single copy, paper, 20 c.; board, 25 c., postpaid. Per dozen, \$2.00 and \$2.50, postpaid. Word edition, 80 pages, 10c.

to each 100 miles of road operated, with an estimate of the annual wages paid all employes, except salaries

TRANSPORTATION.									GENERAL.		Total number of wage-workers employed.....	Number employed to each 100 miles of railroad operated....	Total estimated annual pay of all wage-workers. In Dollars.	Line numbers.....
	Conductors.....	Daily wages.....	All other trainmen....	Daily wages.....	Switchmen and watchmen.....	Daily wages.....	Train dispatchers, and operators.....	Daily wages.....	Clerks, general office....	Daily wages.....				
No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	Cts.	No.	No.	No.		
5	660	272	1,054	189	451	251	318	184	785	222	16,052	292	9,456,524	1
4	18	266	25	159	6	168	12	130	.....	.....	904	96	412,240	(a)
0	1	300	2	200	.....	.....	.....	.....	.....	.....	44	77	23,749	(b)
3	2	400	4	162	1	100	2	201	7	301	120	96	59,472	(c)
8	2	300	2	211	3	261	2	200	.....	.....	75	199	45,874	2
5	2	292	3	175	.....	.....	1	133	.....	.....	36	43	22,665	3
5	3	200	3	200	.....	.....	2	142	.....	.....	45	69	27,531	4
5	2	265	2	250	.....	.....	2	150	.....	.....	35	50	21,779	5
0	96	273	201	163	88	198	104	161	116	231	3,553	202	1,542,948	6
6	1	104	1	238	.....	.....	.....	.....	2	192	36	112	10,817	7
6	96	300	191	203	127	276	61	198	287	237	3,273	490	1,940,472	8
5	7	300	12	203	.....	.....	1	368	3	118	212	121	110,307	9
5	14	376	22	171	10	247	8	290	23	191	361	154	194,940	10
2	200	268	217	170	115	201	206	190	242	229	5,192	293	2,823,930	11
2	350	295	702	191	528	204	349	174	447	115	9,797	311	4,908,977	12
0	28	283	53	187	42	228	20	199	32	136	914	235	475,877	(d)
0	115	340	237	213	53	278	96	211	123	295	3,632	274	2,096,018	13
0	632	406	1,219	270	684	290	470	281	797	212	21,720	280	13,163,249	14
..	2,229	.....	3,950	.....	2,108	.....	1,654	.....	2,864	.....	65,801	272	37,337,369	

62	300	135	175	18	130	17	215	68	177	2,423	232	1,210,674	17
36	309	60	219	20	190	10	239	52	186	1,108	216	626,852	18
538	325	1,059	208	1,053	218	536	182	977	176	17,460	359	10,072,993	19
566	318	1,132	185	398	169	498	187	732	175	15,559	274	9,979,640	20
607	299	1,295	189	982	197	438	207	419	225	16,793	394	10,115,167	21
340	265	831	154	577	174	696	184	403	235	11,538	354	5,312,869	22
77	319	155	204	145	200	65	211	120	206	3,308	641	1,997,899	23
70	327	122	211	55	256	67	285	132	205	1,935	233	1,210,594	24
132	306	290	193	165	210	131	219	132	240	4,395	316	2,532,825	25
49	283	107	121	100	173	53	167	51	245	1,774	296	921,121	26
28	247	63	155	63	214	34	165	84	128	1,326	421	729,959	27
9	287	18	152	5	240	15	194	10	243	318	215	164,694	28
24	300	55	220	28	261	27	215	32	218	869	236	495,051	29
13	348	33	232	10	201	7	191	10	220	345	238	198,611	30
11	287	24	186	28	211	13	207	36	288	609	569	366,375	31
113	310	242	190	64	198	119	169	310	250	3,650	364	2,408,723	32
2,675	.....	5,621	.....	3,711	.....	2,326	.....	3,568	.....	83,410	333	48,344,047	

Branch lines of the Union Pacific (Junction City & Fort Kearney, Omaha & Republican Valley, St. Joseph & Grand Island, Solomon, Union Pacific, Lincoln & Colorado) included, and men employed thereon are embraced in report of main line above given.
The 1,124 miles credited to the Chicago, Kansas & Nebraska include trackage rights over the Union Pacific from Kansas City to Topeka.

Rice, Barton, Stafford, Pratt, Barber, Comanche, Kiowa, Edwards, Pawnee, Rush, Ness, Hodge-
man, Ford, Clark, Meade, Gray, Garfield, Lane, Scott, Finney, Haskell, Seward, Stevens, Grant,
Kearny, Wichita, Greeley, Hamilton, Stanton, and Morton.

EXECUTIVE DEPARTMENT.

STATE OFFICIALS.

<i>Office.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>
Governor	LYMAN U. HUMPHREY.....	Independence	Montgomery.
Lieutenant Governor.	ANDREW J. FELT.....	Seneca	Nemaha.
Secretary of State.....	WILLIAM HIGGINS..	Topeka.....	Shawnee.
Treasurer of State.....	SOLOMON G. STOVER.....	Belleville.....	Republic.
Auditor of State.....	CHARLES M. HOVEY.....	Colby.....	Thomas.
Attorney General.....	JOHN N. IVES.....	Sterling.....	Rice.
Supt. Public Instruction...	GEORGE W. WINANS.....	Junction City.....	Geary.
State Printer.....	EDWIN H. SNOW.....	Ottawa.....	Franklin.

LEGISLATIVE DEPARTMENT.

(For members of the Senate, see page 187 of this volume.)

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

<i>District.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
1.....	James D. Williamson.....	Troy	Doniphan.....	Republican.
2.....	John Seaton.....	Atchison	Atchison.....	Republican.
3.....	R. P. Fisher.....	Effingham	Atchison	Populist.
4.....	Charles H. Phinney.....	McLouth.....	Jefferson.....	Republican.
5.....	M. Reckards.....	Thompsonville.....	Jefferson.....	Populist.
6.....	Fred W. Willard.....	Leavenworth.....	Leavenworth.....	Republican.
7.....	S. F. Neeley.....	Leavenworth.....	Leavenworth.....	Democrat.
8.....	T. C. Craig.....	Easton.....	Leavenworth.....	Democrat.
9.....	F. M. Gable.....	Lansing.....	Leavenworth.....	Democrat.
10.....	J. O. Milner.....	Kansas City.....	Wyandotte.....	Democrat.
11.....	A. A. Burgard.....	Muncie.....	Wyandotte.....	Democrat.
12.....	C. M. Dickson.....	Edgerton.....	Johnson.....	Populist.
13.....	C. N. Bishoff.....	Eudora.....	Douglas.....	Republican.
14.....	N. Simmons.....	Lawrence.....	Douglas.....	Republican.
15.....	P. P. Elder.....	Princeton.....	Franklin.....	Populist.
16.....	J. P. Stephens.....	Wellsville.....	Franklin.....	Populist.
17.....	J. B. Coons.....	Spring Hill, Jhns'n	Miami.....	Populist.
18.....	J. B. Remington.....	Osawatomie.....	Miami.....	Republican.
19.....	J. W. Tucker.....	Pleasanton.....	Linn.....	Populist.
20.....	J. M. Alexander.....	Welda.....	Anderson.....	Populist.
21.....	L. B. Pearson.....	Humboldt.....	Allen.....	Republican.
22.....	Wm. M. Rice.....	Fort Scott.....	Bourbon.....	Republican.
23.....	B. F. Fortney.....	Marmaton.....	Bourbon.....	Populist.
24.....	H. M. Reid.....	Cherokee.....	Crawford.....	Populist.
25.....	A. J. Cory.....	Hadley.....	Crawford.....	Populist.
26.....	J. H. Chubb.....	Baxter Springs.....	Cherokee.....	Populist.
27.....	J. T. Jones.....	Scammonville.....	Cherokee.....	Populist.
28.....	J. I. Tanner.....	Mound Valley.....	Labette.....	Populist.
29.....	P. A. Morrison.....	Oswego.....	Labette.....	Populist.
30.....	Alex. Duncan.....	Angola.....	Labette.....	Populist.
31.....	Samuel Henry.....	Independence.....	Montgomery.....	Populist.

MEMBERS OF THE HOUSE OF REPRESENTATIVES — *continued.*

<i>District.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
32.....	A. L. Scott.....	Neodesha, Wilson..	Montgomery	Populist.
33.....	George F. Smith.....	Osage Mission.....	Neosho	Populist.
34.....	M. A. Clover.....	Chanute.....	Neosho	Populist.
35.....	A. Z. Brown.....	Guilford.....	Wilson.....	Populist.
36.....	Robert B. Leedy.....	Neosho Falls.....	Woodson.....	Populist.
37.....	O. M. Rice.....	Agricola.....	Coffey.....	Populist.
38.....	David Shull.....	Scranton.....	Osage.....	Populist.
39.....	Robert W. Lewis.....	Barclay.....	Osage.....	Populist.
40.....	D. M. Howard.....	North Topeka.....	Shawnee.....	Populist.
41.....	William C. Webb.....	Topeka.....	Shawnee.....	Republican.
42.....	F. M. Stahl.....	Auburn.....	Shawnee.....	Republican.
43.....	P. H. Steward.....	Hoyt.....	Jackson.....	Populist.
44.....	J. D. Hardy.....	Hiawatha.....	Brown.....	Populist.
45.....	D. R. McCliman.....	Wood Lawn.....	Nemaha.....	Populist.
46.....	Ezra Carey.....	Corning.....	Nemaha.....	Populist.
47.....	Wellington Doty.....	Oketo.....	Marshall.....	Populist.
48.....	Marion Patterson.....	Blue Rapids.....	Marshall.....	Populist.
49.....	J. L. Souprene.....	Manhattan, Riley..	Pottawatomie....	Populist.
50.....	C. F. Hardick.....	Louisville.....	Pottawatomie....	Populist.
51.....	Josephus Harner.....	Leonardville.....	Riley.....	Populist.
52.....	T. M. Templeton.....	Wreford.....	Geary.....	Populist.
53.....	John Rehrig.....	Eskridge.....	Wabaunsee.....	Populist.
54.....	S. B. Warren.....	Emporia.....	Lyon.....	Republican.
55.....	Levi Dumbauld.....	Hartford.....	Lyon.....	Populist.
56.....	John Bryden.....	Eureka.....	Greenwood.....	Populist.
57.....	Geo. W. Crumley.....	Grenola.....	Elk.....	Populist.
58.....	Jason Helmick.....	Cloverdale.....	Chautauqua.....	Populist.
59.....	Jacob Nixon.....	Winfield.....	Cowley.....	Republican.
60.....	J. L. Andrews.....	Arkansas City.....	Cowley.....	Populist.
61.....	L. J. Davidson.....	Eatonville.....	Cowley.....	Populist.
62.....	John Hartenbower.....	Douglass.....	Butler.....	Populist.
63.....	O. W. Jones.....	Augusta.....	Butler.....	Populist.
64.....	J. S. Doolittle.....	Cottonwood Falls..	Chase.....	Populist.
65.....	Dallas Rogers.....	Marion.....	Marion.....	Populist.
66.....	E. W. Maxwell.....	Peabody.....	Marion.....	Populist.
67.....	Charles Drake.....	Council Grove.....	Morris.....	Populist.
68.....	H. C. Harvey.....	Manchester.....	Dickinson.....	Populist.
69.....	M. Senn.....	Enterprise.....	Dickinson.....	Populist.
70.....	A. A. Newman.....	Clay Center.....	Clay.....	Populist.
71.....	D. M. Watson.....	Euosdale.....	Washington.....	Populist.
72.....	Wm. Rodgers.....	Barnes.....	Washington.....	Populist.
73.....	J. T. Ingram.....	Republic City.....	Republic.....	Populist.
74.....	C. R. Cleveland.....	Agenda.....	Republic.....	Populist.
75.....	O. S. Everly.....	Meredith.....	Cloud.....	Populist.
76.....	D. S. Steele.....	Glasco.....	Cloud.....	Populist.
77.....	George McConkey.....	Minneapolis.....	Ottawa.....	Populist.
78.....	P. H. Dolan.....	Salina.....	Saline.....	Populist.
79.....	J. B. Maddox.....	Canton.....	McPherson.....	Populist.
80.....	Fred Jackson.....	McPherson.....	McPherson.....	Populist.
81.....	W. E. Brown.....	Newton.....	Harvey.....	Republican.
82.....	Geo. L. Douglass.....	Wichita.....	Sedgwick.....	Republican.
83.....	R. W. Hurt.....	Maize.....	Sedgwick.....	Populist.
84.....	H. W. Ruble.....	Greenwich.....	Sedgwick.....	Populist.
85.....	G. E. Meeker.....	Belle Plaine.....	Sumner.....	Populist.
86.....	John T. Showalter.....	Wellington.....	Sumner.....	Republican.
87.....	J. M. Doubleday.....	Caldwell.....	Sumner.....	Populist.
88.....	Geo. H. Coulson.....	Anthony.....	Harper.....	Populist.
89.....	John Day.....	Kingman.....	Kingman.....	Populist.
90.....	F. W. Hickox.....	Medicine Lodge.....	Barber.....	Populist.
91.....	J. C. Pearson.....	Coats.....	Pratt.....	Populist.
92.....	H. D. Freeman.....	Hutchinson.....	Reno.....	Populist.

MEMBERS OF THE HOUSE OF REPRESENTATIVES — *concluded.*

<i>District.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>	<i>Politics.</i>
93.....	W. H. Mitchell.....	Huntsville.....	Reno.....	Populist.
94.....	Wm. Campbell.....	Pelton.....	Stafford.....	Populist.
95.....	M. W. Cobun.....	Hoisington.....	Barton.....	Populist.
96.....	W. M. Kenton.....	Raymond.....	Rice.....	Populist.
97.....	Wm. W. Stanley.....	Ellsworth.....	Ellsworth.....	Populist.
98.....	Otis L. Atherton.....	Russell.....	Russell.....	Populist.
99.....	A. N. Whittington.....	Lincoln.....	Lincoln.....	Populist.
100.....	G. H. McKinnie.....	Beloit.....	Mitchell.....	Populist.
101.....	Benj. Matchett.....	Bloomington.....	Osborne.....	Populist.
102.....	E. F. Barnett.....	Ezbon.....	Jewell.....	Populist.
103.....	C. C. Vandeverter.....	Jewell City.....	Jewell.....	Populist.
104.....	Geo. E. Smith.....	Germantown.....	Smith.....	Populist.
105.....	P. C. Wagoner.....	Logan.....	Phillips.....	Populist.
106.....	Reuben Rowse.....	Plainville.....	Rooks.....	Populist.
107.....	J. H. Reeder.....	Hays City.....	Ellis.....	Republican.
108.....	John Lovett.....	McCracken.....	Rush.....	Populist.
109.....	A. H. Lupfer.....	Larned.....	Pawnee.....	Populist.
110.....	D. G. Donovan.....	Belpre.....	Edwards.....	Populist.
111.....	Geo. W. Hollenback.....	Coldwater.....	Comanche.....	Populist.
112.....	B. F. Morris.....	Lexington.....	Clark.....	Populist.
113.....	A. H. Heber.....	Meade.....	Meade.....	Republican.
114.....	Geo. M. Hoover.....	Dodge City.....	Ford.....	Populist.
115.....	S. B. Gillmore.....	Kidderville.....	Hodgeman.....	Populist.
116.....	I. N. Goodvin.....	Ransom.....	Ness.....	Populist.
117.....	W. F. King.....	Wakeeney.....	Trego.....	Republican.
118.....	W. H. Milligan.....	Fagan.....	Graham.....	Populist.
119.....	W. Hicks.....	Rockwell City.....	Norton.....	Populist.
120.....	Dan Caster.....	Oberlin.....	Decatur.....	Democrat.
121.....	W. J. Barnes.....	Hoxie.....	Sheridan.....	Populist.
122.....	W. R. Hopkins.....	Garden City.....	Finney.....	Republican.
123.....	Charles Vail.....	Colby.....	Thomas.....	Populist.
124.....	E. D. York.....	Atwood.....	Rawlins.....	Republican.
125.....	Alfred Pratt.....	Syracuse.....	Hamilton.....	Republican.
*.....	Isaac T. Purcell.....	Grainfield.....	Gove.....	.....
*.....	Fred. C. Yearick.....	La Blanche.....	Sherman.....	.....
*.....	W. L. Cook.....	Oakley.....	Logan.....	.....
*.....	John K. Laycock.....	Sharon Springs.....	Wallace.....	.....
*.....	W. E. Hotchkiss.....	Wheeler.....	Cheyenne.....	.....
*.....	Benj. H. Albertson.....	Haviland.....	Kiowa.....	.....
*.....	W. J. Chubbuck.....	Leoti.....	Wichita.....	.....
*.....	I. F. Poston.....	Liberal.....	Seward.....	.....
*.....	A. S. Beeler.....	Lafayette.....	Stevens.....	.....
*.....	W. M. Speck.....	Ravanna.....	Garfield.....	.....
*.....	C. G. Wilson.....	Horace.....	Greeley.....	.....
*.....	L. S. Boyer.....	Scott City.....	Scott.....	.....
*.....	C. E. Lobdell.....	Dighton.....	Lane.....	.....
*.....	Joseph W. Young.....	Richfield.....	Morton.....	.....
*.....	David Holmes.....	Shockey.....	Grant.....	.....
*.....	J. W. Tout.....	Johnson City.....	Stanton.....	.....
*.....	T. H. Vincent.....	Cimarron.....	Gray.....	.....
*.....	G. M. Smith.....	Hartland.....	Kearny.....	.....
*.....	John Megaffin.....	Ivanhoe.....	Haskell.....	.....

*Delegates from counties unorganized when apportionment was made in 1886. These Delegates were allowed per diem, mileage, and privileges of the floor, but had no vote. Under the apportionment of 1891, each of these counties, save Morton and Garfield, will be entitled to one representative.

OFFICERS OF THE HOUSE.

<i>Name.</i>	<i>Post office.</i>	<i>County.</i>
P. P. Elder, <i>Speaker</i>	Princeton.....	Franklin.
Benj. Matchett, <i>Speaker pro tem</i>	Osborne.....	Osborne.
Ben. C. Rich, <i>Chief Clerk</i>	Ogallah.....	Trego.
Jas. H. Fort, <i>Assistant Chief Clerk</i>	Colby.....	Thomas.
D. W. Jacobs, <i>Journal Clerk</i>	Osage Mission.....	Neosho.
L. C. Soupene, <i>Docket Clerk</i>	Manhattan.....	Riley.
J. R. Laswell, <i>Postmaster</i>	Adrian.....	Jackson.
S. W. Chase, <i>Sergeant-at-Arms</i>	Winfield.....	Cowley.
T. O. Harter, <i>Assistant Sergeant-at-Arms</i>	Ulysses.....	Grant.
D. O. Markey, <i>Reading Clerk</i>	Mound City.....	Linn.
J. G. Melwin, <i>Chaplain</i>	Melvorn.....	Osage.
J. F. Gable, <i>Document Clerk</i>	Leavenworth.....	Leavenworth.
Jacob Campbell, <i>Doorkeeper</i>	Minneapolis.....	Ottawa.

JUDICIAL.

SUPREME COURT.

<i>Office.</i>	<i>Name.</i>	<i>Post office.</i>	<i>County.</i>
Chief Justice.....	Albert H. Horton.....	Topeka.....	Shawnee.
Associate Justice.....	D. M. Valentine.....	Ottawa.....	Franklin.
Associate Justice.....	W. A. Johnston.....	Minneapolis.....	Ottawa.
Commissioner.....	Benj. F. Simpson.....	Paola.....	Miami.
Commissioner.....	George S. Green.....	Manhattan.....	Riley.
Commissioner.....	J. C. Strang.....	Larned.....	Pawnee.
Clerk.....	C. J. Brown.....	Blue Rapids.....	Marshall.
Reporter.....	A. M. F. Randolph.....	Topeka.....	Shawnee.

Regular terms begin first Tuesdays in January and July. Notice of the time of holding special or adjourned terms must be given by publication for twenty days in a newspaper published at the State capital.

KANSAS REFORM PRESS.

Corrected to September 1st, by the *Nonconformist*.

Alliance Monitor.....	Abilene.	Independent.....	Haven.
Tidings.....	Allen.	Free Press.....	Hays City.
News.....	Alma.	Signal.....	Herington.
Plaindealer.....	Almena.	Journal.....	Hiawatha.
Weekly World.....	Altamont.	People's Advocate.....	Hill City.
Labor Review.....	Argentine.	Independent Tribune.....	Holton.
Fair Play.....	Arkansas City.	Citizen.....	Howard.
Dispatch.....	Arkansas City.	Times.....	Huron.
Clark County Clipper.....	Ashland.	Alliance Gazette.....	Hutchinson.
Advocate.....	Attica.	Star and Kansan.....	Independence.
Rawlins Democrat.....	Atwood.	Farmers' Friend.....	Iola.
Times.....	Atwood.	Tribune.....	Junction City.
Freeman.....	Belleville.	Sun.....	Kansas City, Ks.
Western Call.....	Beloit.	Kronicle.....	Kincaid.
Monitor.....	Blue Rapids.	Journal.....	Kingman.
Courier.....	Burlington.	Graphic.....	Kinsley.
Times.....	Burlingame.	Alliance Review.....	Kiowa.
Free Lance.....	Burrton.	Independent.....	Kirwin.
Blade.....	Chanute.	Economist.....	La Crosse.
Weekly Sun.....	Clay Center.	Leader.....	Lane.
Pentecost Trumpet.....	Clay Center.	Register.....	Lamborn.
Farmers' Voice.....	Clyde.	Jeffersonian.....	Lawrence.
Free-Press.....	Colby.	Journal.....	Lebanon.
People's Advocate.....	Coldwater.	Western Kansan.....	Leoti.
Modern Light.....	Columbus.	Review.....	Liberty.
Alliant.....	Concordia.	Beacon.....	Lincoln.
Alliance Herald.....	Council Grove.	Lincoln County Farmer.....	Lincoln.
Alliance Sun.....	Cuba.	Leader.....	Long Island.
Lane County Farmer.....	Dighton.	Times.....	Louisville.
Courier.....	Dunlap.	People's Herald.....	Lyndon.
Industrial Advocate.....	El Dorado.	Rice County Eagle.....	Lyons.
Standard.....	Emporia.	Independent.....	Macksville.
Gazette.....	Emporia.	Nationalist.....	Meade.
Sentinel.....	Erie.	Globe.....	Meade.
Alliance Union.....	Eureka.	Republican.....	Manhattan.
Times.....	Fall River.	Western Advocate.....	Mankato.
Sentinel.....	Frankfort.	Central Advocate.....	Marion.
Rice County News.....	Frederick.	People's Advocate.....	Marysville.
Alliance Herald.....	Fredonia.	People's Advocate.....	McPherson.
Lantern.....	Fort Scott.	Barber County Index.....	Medicine Lodge.
Times.....	Galena.	People's Press.....	Milan.
Times.....	Galva.	News.....	Miltonvale.
Tax-Payer.....	Garden City.	Ottawa County Index.....	Minneapolis.
Agitator.....	Garnett.	Torch of Liberty.....	Mound City.
Journal.....	Garnett.	New Era.....	Norton.
Western Herald.....	Girard.	Alliance Times.....	Oberlin.
People's Sentinel.....	Glen Elder.	Kansas Patron.....	Olathe.
Beacon.....	Great Bend.	Times.....	Osage City.
News.....	Greeley.	Osborne County News.....	Osborne.
Alliance Reporter.....	Greensburg.	Labette Statesman.....	Oswego.
Sherman County Farmer.....	Goodland.	Journal.....	Ottawa.
Republican.....	Goodland.	Times.....	Paola.
Tribune.....	Halstead.	Kansas Alliance.....	Parsons.
Alliance Bulletin.....	Harper.	Daily Eli.....	Parsons.
Reveille.....	Haviland.	Farmers' Lance.....	Peru.

KANSAS REFORM PRESS—CONCLUDED.

Kansan	Pittsburg.	Kansas Farmer	Topeka.
Herald	Pleasanton.	Alliance Tribune.....	Topeka.
County Union.....	Pratt.	Advocate.....	Topeka.
Press.....	Protection.	Farmer's Wife	Topeka.
Exponent.....	Randall.	Herald	Towanda.
Union.....	Salina.	Greeley County Journal.....	Tribune.
Herald.....	Salina.	Headlight.....	Turon.
Scott County Lever.....	Scott City.	Plainsman.....	Ulysses.
Gazette	Scranton.	Farmers' Vindicator.....	Valley Falls.
News	Seneca.	Republican	Washington.
Telegram	Severy.	People's Voice	Wellington.
Alliance Echo.....	Sharon Springs.	Alliance News	Westmoreland.
Smith County Journal.....	Smith Center.	Times.....	Westphalia.
Index	Spivey.	Commoner.....	Wichita.
New Era.....	Spring Hill.	Leader.....	Wichita.
Champion.....	Sterling.	Free Press.....	Winfield.
County Capital.....	St. John.	Economic Quarterly.....	Winfield.
Star.....	St. Marys.	Telegram	Winfield.
Alliance Signal	Stockton.	Sentinel.....	Woodsdale.
Weekly Sentinel.....	Tonganoxie.	Farmers' Advocate.....	Yates Center.

INDEX.

	PAGE.
Alien ownership of land.....	16
Andrews, J. L.....	93
Attorneys before Coffeyville committee.....	98
Affidavit, Thomas Robertson.....	257
Age-of-consent bill and vote.....	262-264
 Banking law.....	 16
Barlow, Lucy.....	131, 150, 171
Beard, V. A.....	137, 139, 140, 147
Botkin's district, to abolish.....	12, 21
Botkin investigated.....	21
Impeached.....	188, 195, 196, 199, 200, 201, 204, 205, 210, 211, 212
Bonebrake, P. I.....	133
Board of Managers.....	188
Booth, Henry.....	113
Record.....	259
Brown, J. O., <i>alias</i> C. A. Henrie.....	164, 165
Brown of Harvey.....	6
Brown of Wilson.....	9
Bribery, prohibition of.....	6, 19
Buchan, W. J.....	25, 209
 Campbell, W. M.....	 85, 259
Campbell, George.....	95
Capper, Arthur.....	112, 150, 172, 173
Topeka <i>Capital</i>	257
Carey, Ezra.....	97, 131
Carroll, Senator Ed.....	93, 96, 157-159
Carter, J. W.....	139, 140, 147
Chinch-bugs, destruction of.....	16
Cloud county resolutions.....	259
Cobun, M. W.....	13
Coffeyville investigation.....	21, 92-186
Constitutional convention.....	16
Cougher, J. G.....	120
Cougher, Mrs. J. G.....	119, 120-130
Committee on Judiciary.....	9, 10
Railroads.....	11, 12
Education.....	11
Coulson, Geo. H.....	188
Coons, J. B.....	188
Credit of the State.....	23

Cure, Sid.....	152
Cummings, J. F.....	113, 131, 132, 150
Curfman, H. U.....	139, 140, 147
Dawes, F. B.....	98
Delinquent tax sales.....	16
Doolittle, J. S.....	6, 7, 9, 10
Douglass, Geo.....	6, 10, 188
Drunkennes in officials, to punish.....	121
Dynamite investigating committee, who.....	97
Elder, P. P.....	8, 12
Eight-hour law.....	16
Expenses, Senate and House compared.....	23
Emory, E. B.....	139, 140, 147
Fortney, B. F.....	11
Forestry stations.....	16
Forgery of Senator Kimball.....	93
French, Edwin.....	116, 131, 132, 151
Greer, Ed. P.....	92, 153
Portrait.....	154
Gebhardt, W. A.....	147
Harkness, Senator F. P.....	22, 23
Hackney, W. P.....	188, 194
Henrie, C. A.....	92, 106, 113, 115, 117, 119, 123, 125, 126, 133, 134, 135, 153, 179, 184, 186
Portrait.....	181
Henthorn, J. W.....	106, 153
Henderson, B. S.....	98
Howard.....	7, 8
"Honorary certificate".....	180
House bill No. 1, (Douglass).....	6
2, (Douglass).....	6
17, (Brown of Harvey).....	6
21, (Showalter).....	7
61, (Howard).....	7
62, (Howard).....	7
69, (Doolittle).....	7
103, (Vanderenter).....	7
120, (Reed).....	7
125, (Maddox).....	7
126, (Smith of Smith).....	8
132, (Elder).....	8
133, (Elder).....	8
134, (Elder).....	8
139, (Elder).....	8
145, (Smith of Neosho).....	8
212, (Maddox).....	9
225, (Brown of Wilson).....	9
264, (Howard).....	9

House bill No. 279, (Soupene).....	9
339, (Whittington)	9
348, (Doolittle).....	9
436, (Judiciary Committee).....	9
479, (Doolittle).....	10
540, (Judiciary Committee)	10
577, (Douglass).....	10
604, (Stephens).....	10
606, (Doolittle).....	10
692, (Stewart).....	11
693, (Neeley).....	11
696, (Fortney).....	11
698, (Rogers of Marion).....	11
707, (Railroad Committee).....	11
712, (Committee on Education).....	11
718, (Scott).....	12
743, (Committee on Railroads).....	12
833, (Elder)	12
842, (Elder).....	12
Hutchins, Bion S.....	92, 153
Hudson, J. K.....	133
Humphrey, L. U., (Governor).....	18, 184, 185
Hutchinson forged resolutions.....	257
Huntington letters	277
Interest drain.....	268
Ives, J. N.....	188
Judiciary Committee.....	9, 10
Jones, Lee.....	147
Kelley, Senator M. C.....	23
Kelly, Senator H. B.....	263
Kimball, Senator C. H., 22, 93, 94, 104, 105, 107, 110, 113, 119, 130, 131, 134, 135, 148, 156,	208
Larned <i>Weekly Optic</i>	260
Lotteries, to prevent.....	20
Lockard, Senator J. B.....	92
Martin, John A. (Gov.).....	133
Mackey, A. M.....	188
Maddox.....	7, 9
Metsker, D. C.....	133
Mohler, Senator J. G.....	97, 159, 160
Mitchell, W. H.....	188
McCray, D. O.....	111, 150, 173, 176
Mortgage indebtedness—	
Marshall county.....	265
Miami county.....	265
Lyon county.....	266
Sedgwick county.....	267
Harper county.....	267

Mortgage indebtedness—	
Marion county.....	267
Pratt county.....	267
Moody, Senator Joel.....	11, 23
Murdock, Senator T. B.....	23, 94
Mortgages paid, how.....	268
Neeley.....	11
Official State Directory.....	268
Parks, David.....	146
Parties in 1890.....	5
Petitions for impeachment of Judge Botkin.....	196
People's manifesto.....	14, 24
Pinkerton thugs.....	19
Populist platform.....	5
Pooling among live-stock buyers.....	16
Poorman, Geo. W.....	163, 164
Populist newspapers.....	283
Railroad bill, No. 707.....	11
Railroad bill, No. 743.....	11, 31-46
Sec. 1. Shall not charge higher.....	31
Classification	31
Sec. 2. Compensation limited.....	32
Sec. 3. Commissioners, when elected, how elected, give bonds.....	32
Sec. 4. Office and salaries.....	33
Sec. 5. Districts.....	33
Sec. 6. Railroad companies must adjust rates.....	33
Sec. 7. Commissioners shall hear complaints.....	33
Attorney General appear for the State.....	34
Sec. 8. Continuous session.....	34
Sec. 9. Penalty for refusal to comply with provisions of this act.....	34
Sec. 10. Mandamus to compel obedience.....	35
Sec. 11. Yearly re-classification.....	35
Short and long hauls.....	36
Sec. 12. Commissioners shall investigate.....	36
Sec. 13. Companies shall answer under oath.....	36
Refusal a contempt	37
Sec. 14. Witnesses must appear.....	37
Sec. 15. Schedule and classification.....	37-41
Sec. 16. Articles not enumerated.....	42
Sec. 17. Roads in class B.....	42
Sec. 18. Obedience shall be compelled.....	43
Sec. 19. Commissioners shall publish maximum rates.....	43
Sec. 20. Railroad companies shall furnish station facilities	44
Sec. 21. Appropriation to cover expenses of.....	44
Sec. 22. Commissioners shall report to the Legislature; what the report shall show.....	41-46
Sec. 23. Test cases shall be preferred.....	46
Sec. 24. Switching charges.....	46
Sec. 25. Clerk and stenographer, seal.....	46

Railroad Committee.....	11, 12
Railroad tables—see "Tables."	
Rates—	
House bill No. 743.....	82
By counties—VII, VIII, and IX, compared.....	83, 84, 85
Commissioners', reviewed.....	82
Reasonable.....	48
Joint.....	21
Reed, H. M.....	7
Reed, Judge.....	117, 159
Republican platform.....	6
Republican losses.....	190, 191
Reduction of salaries.....	20
Redemption law.....	10, 18
Redemption (tax sales).....	19
Reduction of State expenses.....	15, 21, 22
Rude, Dr.....	140, 153
Rodgers of Washington to Buchan.....	25, 30
Comparisons of appropriations.....	26
Stacey or Buchan.....	27
List of deficiencies.....	28
Appropriation bills.....	28
Appropriation bills (building).....	29
Buchan's misstatements.....	30
One million dollars saved.....	30
World's Fair bill.....	30
Broken promises.....	30
Rogers of Marion.....	11
Scott, Frank C.....	112, 150, 172, 173
Scott.....	12
Senator, United States.....	15
Silver bill.....	12, 18
School books, uniform series.....	21
Senn, M.....	97, 107, 153
Severance, Hon. John.....	258
Senate Revision Committee.....	22
Showalter.....	7
Smith, G. E. (of Smith).....	8
Smith (of Neosho).....	8
Soupene.....	9
Soldiers' statement.....	258
Stewart.....	11
Stephens.....	10
State Printer.....	14, 90
State Board of Pardons, to abolish.....	20
Sub-treasury Plan.....	269-275
Constitutionality.....	275
Tables—	
I. Mileage, Railroad Commissioners' Report for Kansas, 1890.....	49
I-A. Mileage, Iowa Report, 1889.....	50

Tables—

II. Freight earnings, Kansas Report, 1890.....	51
II-A. Freight earnings, Iowa Report, 1889.....	52
III. Freight earnings, per ton mile and train mile, Kansas Report, 1890.....	53
III-A. Same for Iowa, Report 1889.....	54
IV. Showing number of employés, wages paid, cost of maintenance of road-bed, maintenance of equipment, and cost of operating, Kansas Report, 1890.....to face	54
IV-A. Same for Iowa, Report 1889.....	to face 54
V. Gross earnings, Kansas Report, 1890.....	55
V-A. Gross earnings, Iowa Report, 1889.....	56
VI. Operating expenses, Kansas Report, 1890.....	57
VI-A. Operating expenses, Iowa Report, 1889.....	57
Comparative review of tables.....	58, 59, 60
Recapitulation of IV to VI-A.....	61
VII. Railroad Commissioners, reasonable tariff rates.....	62-67
VIII. Railroad tariff rates now in force.....	68-73
IX. Railroad tariff rates prescribed by House bill No. 743.....	74-79
Comparative summary of VII, VIII, and IX.....	80, 81
Rates per ton mile, all classes of freight, from VII, VIII, and IX.....	80, 81
Alphabetical comparison by counties.....	83, 84, 85
Comprehensive tables covering sixteen years' earnings.....	86
Freight rates, Iowa, Illinois, and Kansas, compared.....	87
Typographical error in Senate Journal.....	159
Transportation.....	46
United States Senator.....	15
Usury law.....	8, 17
Upham, H. M.....	92, 99, 117, 145, 146, 150
Union Pacific Railroad Report.....	275
Central Pacific Railroad.....	276
Stock table.....	277
Vandeventer, C. C.....	7, 97
Verdicts of juries.....	20
Vincent, C.....	92, 95, 99, 105, 130, 132
Vincent, H.....	103, 150, 165
Vincent, L.....	103
Voting bonds, prohibition of.....	20
Waldrop, I. M.....	118, 119, 149
Warehouses, inspection, etc.....	16
Webb, H. G.....	98, 156, 160, 179
Webb, Leland J.....	152, 153
Webb, W. C.....	188, 194, 195
Whittington, A. N.....	9, 188
Weekly wages, payment of.....	20
Whitted, C. S.....	133
Whitley, J. W.....	133, 152
Winton, Joe P.....	152
World's Fair bill.....	13, 19
Women, right to vote.....	9, 20
Wood's manifesto.....	24
Wood, Dr. J. A.....	146

